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MEMORIAL OF THE DELAWARE INDIANS.

Mr. QUAY presented the following

MEMORIAL OF THE DELAWARE INDIANS RESIDING IN THE CHEROKEE NATION, PRAYING RELIEF RELATIVE TO THEIR RIGHTS IN AND OWNERSHIP OF CERTAIN LANDS WITHIN THE BOUNDARIES OF SAID NATION.

JANUARY 4, 1904.—Referred to the Committee on Indian Affairs and ordered to be printed.

MEMORIAL.

Your memorialists represent:

1. That in Senate Document No. 16, Fifty-eighth Congress, first session, there was given a history of their grievances, extending from the time of the Delaware-Cherokee agreement of April 8, 1867, down to about the 11th of November, 1903.

2. That on Novembor 16, 1903, Hon. Tams Bixby, chairman of the Dawes Commission, in reply to a letter dated November 14, 1903, inquiring as to whether or not the applications filed by Cherokee citizens on lands included in the Delaware segregation would give them any preferred rights over the Delaware occupants, in case the suit now pending should be decided against the Delawares, wrote a letter saying that the Commission declined to express in advance an opinion on any question, but called attention to a case decided in the Creek Nation, which might apply. (Copy of this letter of Hon. Tams Bixby is attached hereto and marked "Exhibit 1.")

3. During November 18, 1903, a number of Delaware Indians received notices from the Dawes Commission in regard to their enrollment as Delaware citizens of the Cherokee Nation. One such letter was sent to Stephen A. Miller on November 18, 1903, a copy of which is hereto attached and marked "Exhibit 2."

4. That on November 21, 1903, a letter was written acknowleding receipt of the Commissions' communication of November 16, 1903. (Copy of said letter is attached hereto and marked "Exhibit 3.")

5. That on November 24, 1903, a letter was addressed to the Commission to the Five Civilized Tribes by the attorney in fact of the Delaware Indians, copy of which is attached hereto and marked "Exhibit 4."

6. On November 24, 1903, Hon. Tams Bixby addressed a letter to the attorney in fact for the Delawares, in relation to a copy of the Delaware register. (Copy of this letter is hereto attached and marked "Exhibit 5.")

7. On November 25, 1903, Hon. F. L. Campbell, Assistant Attorney-General, addressed a letter to the Secretary of the Interior, giving an opinion as to the segregation of the Delaware lands. (Copy of said letter is hereto attached and marked "Exhibit 6.")

8. On November 27, 1903, Hon. Tams Bixby addressed a telegram and letter to the said attorney in fact, notifying him that on December 10, 1903, at 9 a. m., the Dawes Commission would consider matters pertaining to the Delaware segregation. (Copy of letter is hereto attached and marked "Exhibit 7.")

9. On the same day Hon. C. R. Breckinridge, commissioner in charge of the Cherokee land office, wrote to said attorney in fact, relative to Mrs. Bartles and other Delawares. (Copy of said letter is hereto attached and marked "Exhibit 8.")

10. On November 28, 1903, the Secretary of the Interior addressed a letter to the Commission to the Five Civilized Tribes, transmitting the Assistant Attorney-General's opinion of November 25, 1903, and also instructing the Commission further in regard to the Delaware segregation. (Copy of said letter is hereto attached and marked "Exhibit 9.")

11. On December 1 and 2, 1903, the suit of the Delawares against the Cherokees was argued in the Supreme Court of the United States.

12. On December 1, 1903, Hon. C. R. Breckinridge, commissioner in charge Cherokee land office, addressed a letter to the attorney in fact for the Delaware Indians, transmitting instructions issued to his division, directing certain preliminary work looking to the Delaware segregation to be done. (Copy of said instructions and letter are hereto attached and marked "Exhibit 10.")

13. On December 2, 1903, Hon. Tams Bixby addressed a letter to the attorney in fact for the Delaware Indians relating to the Delaware register. (Said letter is hereto attached and marked "Exhibit 11.")

14. On December 3, 1903, Mr. Walter S. Logan addressed a letter to Hon. Tams Bixby relative to the Delaware segregation. (Copy of this letter is attached hereto and marked "Exhibit 12.")

15. On December 7, 1903, said attorney in fact addressed a letter to the Hon. C. R. Breckinridge, transmitting a list of improvements purchased by him as representative of the Delaware Indians. (Copy of this letter is hereto attached and marked "Exhibit 13.")

16. On December 8, 1903, Hon. Tams Bixby addressed a letter to said attorney in fact, transmitting a list of certain affidavits. (Copy of this letter and said affidavits is hereto attached and marked "Exhibit 14.")

17. On December 12, 1903, the Dawes Commission transmitted to the attorney in fact of the Delaware Indians certain resolutions relating to the segregation of the Delaware lands. Said resolutions are as follows:

MUSCOGEE, IND. T., *December 10, 1903.*

Resolved, That the Delaware segregation shall consist:

First. Of lands shown by the records of the Commission to be selected and occupied by living registered Delawares, in accordance with the treaty of April 8, 1867, to the extent of 160 acres per capita of said living registered Delawares, said 160 acres to contain, as far as may be, the principal improvements of said living registered Delawares;

Second. Of lands shown to have been selected by a deceased registered Delaware under said treaty of April 8, 1867, to the extent of 160 acres per capita of land so selected and occupied, and which is found now to be in the possession of a descendant of such deceased registered Delaware, said land to contain, as far as may be, the principal improvements of said deceased registered Delaware;

Third. Of public land, in addition to the foregoing, sufficient to make up a total of 157,600 acres for this segregation.

The commissioner in charge of the Cherokee land office is directed to prepare a list of the foregoing lands as soon as possible, and to report to the Commission.

(Copy of letter transmitting above resolution is hereto attached and marked "Exhibit 15.")

18. On December 15, 1903, Hon. C. R. Breckinridge addressed a letter to Richard C. Adams, asking that he select a tract of land to the extent of 160 acres. (Copy of this letter is hereto attached and marked "Exhibit 16.")

19. On December 18, 1903, Walter S. Logan addressed a letter to Hon. C. R. Breckinridge in regard to the resolutions of December 10, 1903. (Copy of this letter is hereto attached and marked "Exhibit 17.")

20. Letters similar to the one addressed to Richard C. Adams by C. R. Breckinridge on December 15, 1903, were sent to numerous Delawares, a number of which were forwarded by said Delawares to their attorney in fact at Washington, D. C.

21. On December 19, 1903, the attorney in fact of the Delaware Indians, in company with Hon. James K. Jones, went to the Indian Territory, and on December 21 met Hon. C. R. Breckinridge at Tahlequah, Ind. T., and inquired into the purpose of the Commission in following the rules prescribed in the resolutions of December 10, 1903, for segregating the lands of the Delaware Indians.

22. On December 22, 1903, a hearing was had at Muscogee, Ind. T., before the Commission, there being present Hon. Tams Bixby, chairman, and Messrs. T. B. Needles and C. R. Breckinridge, commissioners. The argument at this hearing was taken down in shorthand by the stenographers of the Dawes Commission. (Copy of said argument is hereto attached and marked "Exhibit 18.")

23. On December 22, 1903, the Commission addressed a letter to the attorney in fact of the Delaware Indians, inclosing the following resolution:

Resolved, That after hearing argument in regard to making the Delaware segregation, the Commission concludes not to change the instructions heretofore given in regard thereto. The lands of the public domain placed in said segregation shall be as far as possible such as will not serve as a means of excess land holding by individuals for their personal profit.

24. On December 23, 1903, Hon. James K. Jones addressed two letters to the Dawes Commission, asking for a specific statement as to the meaning of said resolution of the Commission. (Copies of these letters are hereto attached and marked "Exhibit 19.")

25. On December 26, 1903, the Delaware Indians in council assembled at Dewey, Ind. T., adopted the following resolutions:

The Delaware Indians, in council assembled, this 26th day of December, 1903, respectfully represent to the Dawes Commission that Leo E. Bennett, United States Indian agent, in his report to the Interior Department in 1890, exhibits a petition representing 645 Delaware Indians, stating that the reasons they desire their invested funds paid per capita to them (funds amounting to nearly $1,000,000) were as follows:

"We are only influenced in so doing by our earnest desire to invest and otherwise utilize this money to improve farms for ourselves and children before our best lands are all inclosed, and to purchase farming tools and horses and cattle for the subsistence of ourselves and those dependent upon us."

On March 18, 1890, the Principal Chief of the Cherokee Nation, J. B. Mayes, and the Cherokee delegates, John L. Adair and D. W. Bushyhead, petitioned the Committee on Indian Affairs that the moneys due the Delawares be appropriated and paid to them per capita. They stated that "as the legal representatives of the Cherokee Nation we have been officially authorized and instructed by an act of our legislature to assist our Delaware brethren in their efforts to obtain a full and complete settlement with the Government. * * * We offer below some of the reasons in support of these views. * * * The rapid improvement of our country makes it plainly apparent that all choice bodies of land will soon be occupied, and those of

our citizens are fortunate who will have the means to locate and improve those lands before they are taken up."

Complying with the request of the Cherokee Nation and the Delaware Indians, the Government of the United States did pay to the Delaware Indians all the funds they had, amounting to near $1,000,000, and it was used by us in carrying out this purpose of selecting and improving lands, which lands were selected and improved by us for ourselves and our children; and that most of said lands so selected and improved are still held by our people as their homes.

That we have recently learned, to our amazement and great distress, that your Commission has determined not to include these lands in the Delaware segregation, although we were advised and believed that these lands had already been segregated.

To exclude these lands from the segregation would, in the opinion of the Delaware people, be a gross wrong, and in direct disobedience, in our opinion, to the act of Congress providing for the segregation; and against such action on the part of the Commission we most solemnly and earnestly protest, and beg your Commission that instead of such action, to let remain in the segregation all lands held or improved by descendants of registered Delaware Indians, to the end that their rights may be protected, as was the intention of the act of Congress.

We have heretofore earnestly requested that all these lands be included in the segregation, it being understood among our people and by all of them that all of these holdings, whether large or small, are the property of the Delaware Tribe and subject to equal allotment among the tribe when the council shall so request, and this is now and has been our request.

The course we now ask the Commission to pursue is not objected to, but, on the contrary, is approved by the representative of the Cherokee Nation.

Resolved, That this memorial be forwarded to the Dawes Commission, and that a copy be sent to the Secretary of the Interior; and to Richard C. Adams, our attorney-in-fact, in Washington, D. C.

J. B. PARKER,
Chairman of the Council.

STEPHEN A. MILLER,
Clerk of the Council.

Approved by—
GEORGE BULLETTE, *Chairman.*
HENRY ARMSTRONG,
JOHN YOUNG,
JOHN SARCOXIE, Jr.,
JOHN H. SECONDYNE,
Delaware Business Committee.

26. On December 23, 1903, William T. Hutchings, attorney of record for the Cherokee Nation, addressed a letter to the attorney in fact of the Delaware Indians, in which he states:

Referring to your inquiry about the position of the Cherokee as to the segregation of the Delaware lands, under their recent agreement with the United States, and being made with the Commission to the Five Civilized Tribes, will say that throughout the entire matter I, as representative of the Cherokee, have only insisted that there should not be put into segregation any lands which Cherokee citizens, other than Delawares, would have a right under the law, to select as their allotment by having improvements therein and being in possession thereof, the same having been made and done prior to any Delawares acquiring any rights thereto.

I will further say that it is not the desire of the Cherokee to deprive any of the Delawares of any improved property, or to prevent from going into the segregation any land which, under a decision of the Supreme Court of the United States favorable to the Delawares, they would be entitled to claim and have.

27. On December 26, 1903, the attorney in fact of the Delaware Indians addressed a letter to the commissioner in charge of the Cherokee land office at Tahlequah, Ind. T., inclosing copies of certain deeds from citizens of the Cherokee Nation to improvements on lands included in the Delaware segregation, much of which land was afterwards claimed by many of the very Cherokee who sold the same for valuable considerations. (Copy of this letter with inclosures is hereto attached and marked "Exhibit 20.")

28. On December 26, 1903, Hon. C. R. Breckinridge addressed two letters to Hon. J. K. Jones, defining clearly the intentions of the Commission. (Copies of said letter are hereto attached and marked "Exhibits 21 and 22.")

29. The expressed determination of the Dawes Commission to administer affairs in the Cherokee Nation in disregard of the rights and interests of the Delawares, as guaranteed to them by the United States, and stipulated in their agreement with the Cherokee Nation, and even against the wishes and advice of the Cherokee themselves, as stated by their attorney, is not easy to explain upon any basis of lawful and just intentions on the part of said Commission.

As has already been shown, the Delawares hold the most valuable lands in the Cherokee Nation for speculative purposes, being in the heart of the oil and gas belt. It is clearly in the interest of the numerous land and trust companies that have sprung up like mushrooms in the night all over the Indian Territory that the Delaware segregation should be broken up in order that these valuable lands may become subject to contest and cast into the vortex of litigation, in which their opportunities of success are greatest, by reason of their superior knowledge and facilities. It is a matter of notoriety that members of the Dawes Commission are promoters of and interested in many of these trust companies, in many cases being actively engaged in their management.

It is especially alleged that members of said Commission are incorporators, stockholders, and officers of the Eufaula Trust Company, of Eufaula, Ind. T.; the International Bank and Trust Company, of Vinita, Ind. T.; the Tishomingo Loan and Trust Company, of Tishomingo, Ind. T.; the Canadian Valley Trust Company, of Muscogee, Ind. T.; the Muscogee Title and Trust Company, of Muscogee, Ind. T. All of said companies are incorporated for the purpose generally of buying, selling, leasing, and subleasing and exchanging real estate in the Indian Territory, and dealing and acting as brokers and agents in oil and other leases, abstracting titles, and acting as administrators, guardians, etc., all of which duties relate to matters concerning which said officers may, and generally do, have to deal in their official capacities as officers of the Government, and in which their interests as such public officers are necessarily in direct opposition to their private and personal interests as members and officers of said companies. It is further publicly charged that said officers are indirectly interested in numerous other commercial enterprises in said Territory inconsistent with their public duties.

Attached hereto are exhibits 23, 24, 25, 26, 27, 28, 29, being copies of articles of incorporation of the International Bank and Trust Company of Vinita, the Tishomingo Loan and Trust Company of Tishomingo, the Canadian Valley Trust Company of Muscogee, the Muscogee Title and Trust Company of Muscogee, the Eufaula Trust Company of Eufaula, the Tribal Development Company of Tishomingo, and the Bradley Realty Trust Company of Muscogee, all of the Indian Territory; and as to the first five of which it will be seen that members of the Dawes Commission are either incorporators, officers, or stockholders, and as to the last two of which it is publicly charged that they are directly or indirectly interested therein. It will also be seen that these various companies almost completely cover the most important speculative fields in the Indian Territory. There

is also attached hereto, for the information of the Senate, a schedule marked "Exhibit 30," being a partial list of land and trust companies organized in the Indian Territory, and as complete a list as your memorialists are able to furnish at this time.

When in the Indian Territory a few days ago, the representative of your memorialists was informed that agents of land and trust companies had large numbers of persons in readiness to take possession of Delaware lands and improvements as soon as the contemplated orders of the Dawes Commission should be promulgated, and for this purpose powers of attorney to make such locations were also being taken from persons incarcerated in jails and penitentiaries in order that no scheme might fail to secure locations upon and selections of these valuable lands and homes of the Delawares.

30. That a general review of the history of the Delaware Indians, relating to the purchase of homes in the Cherokee Nation, Indian Territory, is as follows:

The Delawares made an agreement with the Cherokee on April 8, 1867, which was based primarily upon the provisions of the fourth article of the Delaware treaty with the United States of July 4, 1866, and the fifteenth article of the Cherokee treaty with the United States of July 19, 1866. In the Delaware treaty it was contemplated that through the offices of the United States the Delawares would get a body of land in the aggregate equal to 160 acres for each Delaware, if they should so desire. In the Cherokee treaty it was also contemplated that the Cherokee would sell to friendly Indians a body of land equal to 160 acres for each member of the tribe of friendly Indians, if they should so decide, and for an additional consideration, citizenship, or equal rights with Cherokee by blood.

The Delawares, therefore, had authority to buy and the Cherokee authority to sell, and both treaties had to be taken into consideration, it requiring the authority of both treaties for the Delawares to buy of the Cherokee as much land in the aggregate as they (the Delawares) should desire to purchase, not exceeding under this clause the number of Delawares removing into the Cherokee Nation multiplied by 160. This was done, and citizenship also was purchased.

This land was bought with the funds of the Delaware tribe for the tribe. The future disposition of this land was necessarily subject to the provisions of the fourth article of the Delaware treaty of 1866; that is, it was to be surveyed when the Delaware council should request it, when the council could allot it to each member of the tribe residing in the new country in whole or in part. This contemplated that at some future time, when probably all of the registered Delawares might be dead, the lands purchased by the tribe should be allotted by the council to the living members at that time who might all be descendants of registered Delawares. (This was the way they divided their invested funds.) It was so understood by the Cherokee, who guaranteed the aggregate amount of land to each Delaware incorporated under the agreement.

When the Delawares arrived in the Cherokee Nation they found that the Cherokee had adopted a constitution and a code of laws.

In the constitution of the Cherokee Nation, article 1, section 2, is the following:

The lands of the Cherokee Nation shall remain common property, but the improvements made thereon, and in the possession of the citizens of the nation, are the

exclusive and indefeasible property of the citizens, respectively, who made, or may rightfully be in possession of them: *Provided*, That the citizens of the Nation possessing exclusive and indefeasible right to their improvements, as expressed in this article, shall possess no right or power to dispose of their improvements, in any manner whatever, to the United States, individual States, or to individual citizens thereof.

In the laws of the Cherokee Nation, 1892, article 14, section 241, is the following:

Any person having peaceable possession of private property obtained through lawful means, and claiming a limited or absolute right in the same, shall be held, in law, to have a prior right of possession thereto against all persons obtaining possession thereafter until the right of such person shall expire, or be by him transferred to another for good or valuable consideration.

It was found that 985 Delawares desired to remove to the Indian Territory, and their names were placed upon the register by Agent Pratt, and they became thereafter designated and known as "Registered Delawares." The Government then transferred from the Delaware trust fund to the Cherokee trust fund $157,600, in payment of 157,600 acres of land, which was the aggregate amount purchased, being 985 times 160. During the next year the Delaware Indians removed to the Cherokee Nation. From that time until the present it has never been questioned but that the Delawares made an absolute purchase of this land and took all the title that the Cherokee had to give. Declarations to this effect have been repeatedly made by officers of the Cherokee Nation in official communications, reports, etc., and it was so assumed in the trials of the cases of the Delawares, Shawnee, and Freedmen against the Cherokee Nation and the United States, which went to the United States Supreme Court. In fact no claim to the contrary was ever intimated or dreamed of until the allotment of the Cherokee lands in severalty was about to be made when the claim was, for the first time, set up by the Cherokee that the Delawares took by said purchase only a life estate in the lands purchased as above described.

As an instance of this, attention is called to a memorial presented to the Senate Committee on Indian Affairs, under date of June 19, 1890, signed by the delegates of the Cherokee Nation then in Washington, John L. Adair and D. W. Bushyhead (one of whom had been chief of the Cherokee Nation) in reference to certain legislation then pending before Congress affecting the interests of the Cherokee Nation, in which, referring to the Delaware purchase herein referred to, said delegates say:

As has been seen, the Delawares purchased 157,600 acres of Cherokee lands lying east of the ninety-sixth degree. That was an absolute and unconditional purchase, and in which lands the Cherokee Nation has no title or interest.

This official declaration of the extent and character of the Delaware purchase only expresses what was the understanding of all the parties to the agreement of 1867, and remained so up to the time of the setting up of the contention herein referred to.

Congress subsequently passed what is known as the Curtis Act, by the twenty-fifth article of which it was provided as follows:

SEC. 25. That before any allotment shall be made of lands in the Cherokee Nation, there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the one hundred and fifty-seven thousand six hundred acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April eighth, eighteen hundred and sixty-seven, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said

agreement. That the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the Court of Claims of the United States, within sixty days after the passage of this act, against the Cherokee Nation, for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation dated April eighth, eighteen hundred and sixty-seven; or the Cherokee Nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the Supreme Court of the United States.

Under the authority of this section a suit was commenced in the Court of Claims to determine the rights of the Delawares under said purchase. While this suit was still pending and undetermined, Congress passed what was known as the Cherokee allotment act, by the twenty-third section of which it was provided as follows:

SEC. 23. All Delaware Indians who are members of the Cherokee Nation shall take lands and share in the funds of the tribe, as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said Commission is ready to begin the allotment of lands of the tribe as herein provided, the Commission shall cause to be segregated one hundred and fifty-seven thousand six hundred acres of land, including lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April eighth, eighteen hundred and sixty-seven, such lands so to remain, subject to disposition according to such judgment as may be rendered in said cause; and said Commission shall thereupon proceed to the allotment of the remaining lands of the tribe as aforesaid. Said Commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder. Nothing in this Act shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April eighth, eighteen hundred and sixty-seven, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees, and said suit shall be advanced on the dockets of said courts and determined at the earliest time practicable.

The Dawes Commission, with the approval of the Secretary of the Interior, dated April 8, 1901, informed the Delaware Indians that the segregation, under said acts of Congress, would be complete upon the filing of a list of lands selected and the marking of the same as withheld from selection and entry, which list and schedule of lands so selected for segregation was duly filed with said Commission in December, 1902.

On December 17, 1902, the said Commission, having accepted said schedule and marked the lands therein mentioned upon a map as withheld from selection and entry, passed a resolution as follows:

Be it resolved by the Commission, That the acting chairman cause to be set aside and segregated 157,600 acres of land in the Cherokee Nation, in accordance with the provisions of section 23 of the act of Congress approved July 1, 1902 (Public, No. 241), subject to disposition according to such judgment as may be rendered in the case of the Delaware Indians *v.* Cherokee Nation, now pending in the United States Court of Claims, and as shown by the description of said lands in the stipulation of counsel for parties in said case, dated Washington, D. C., December 10, 1902.

Said Dawes Commission, after making said segregation as aforesaid, proceeded to the allotment of lands in the Cherokee Nation, as in said acts of Congress provided, and issued many thousand allotment certificates at great expense to the Government, and as to which many vested interests have become attached.

In the annual report of the Commission to the Five Civilized Tribes, dated September 30, 1903, the Commission take great pains to show

that the segregation made for the Delaware Indians on December 17, 1902, was erroneous and should not stand. The Commission seems to base this conclusion upon the fact that many Cherokee claim part of the lands included in the segregation and have filed affidavits with the Commission to that effect. These affidavits are 302 in number, most of which are false in part or in whole. In some instances the Cherokee had a shadow of a claim to a small tract, for the reason that his improvements extended over a part of an area, of which a Delaware held the other part, but these cases are very rare.

Many of the claimants have sold their improvements and received valuable consideration therefor, and many have no claim whatever, while more than thirty of the claimants are Delaware Indians filing upon their own land, which is included in the segregation, in order to protect the same from the Cherokee. Fifteen are duplicate filings by Cherokee, while fifteen others are for lands not in the segregation.

If the Commission would make an impartial and fair investigation, they would find that very few errors were made and that comparatively little land is included in the present segregation that should not be included therein. To describe 157,600 acres of land in small tracts is a difficult thing to do, and no doubt some errors were made. In such cases, however, the Delaware holds a like amount of land, which was left out by mistake. These corrections the Delawares themselves would like to have made. It is unfair to them to have the Commission make a report stating that the segregation was made without due consideration for either Delawares or Cherokee, when the Commission and the Department have been requested for the past five years to make a segregation, and they have not only refused to do so, but have refused any aid to the Delawares in describing their lands.

It is passing strange that we should be so severely criticised for a few errors committed in making up this schedule with our inadequate means, while the Dawes Commission, with all its means and facilities, have made greater errors, even in their criticism of us. In their annual report for the year ending June 30, 1903, the Commission exhibit four sample certificates to illustrate their method, and the presumption would be that these would represent the highest order of this class of work, yet an examination will show that two of these four exhibits are erroneously made out, the description being at variance with the plat in each case.

The Secretary refused to give township plats to the Delawares and such plats had to be purchased by the representative of the Delawares (see S. Doc. No. 16, 58th Cong., 1st sess.). Had the Commission sent a surveyor with the business committee of the Delawares to describe the lands, so as to include their improvements, less error would have been made and less time lost. If any errors have been made in the description of the lands it is not the fault of the Delawares. They had no expert surveyors and little means of ascertaining the exact description of their lands.

It is believed that more than 10,000 allotments have been made, and the Commission state that, generally speaking, the better lands are being taken up first. Evidently it was the intention of Congress that before this was done the lands of the Delawares should have been segregated, and the segregation was made. The Delawares were fortunate in their selections, and the secret of the whole trouble is

explained in the report of the Dawes Commission for the year ending June 30, 1903, under the head of "Allotment contests," wherein they say:

> The tendency to contest in the Choctaw and Chickasaw nations is enhanced by the extent of valuable mineral deposits, while in the Cherokee Nation the lower percentage of tillable land, as well as the smaller per capita allotment and the discovery of gas, oil, and other minerals, tend to increase the number of contests. It is estimated that there will be in the neighborhood of 5,000 allotment contests in the Cherokee Nation alone.

The oil and gas discoveries described herein are in the Delaware country, and many persons are now claiming these lands who have never lived within miles of them heretofore.

After their removal and settlement in the Cherokee Nation in 1868, and the payment for their lands and rights therein, the Delawares still possessed a large fund in the hands of the Government, amounting to about $1,000,000, upon which they were receiving interest at the rate of 5 per cent. per annum, yielding them a permanent and regular income. They were urged by the Cherokee and others to request that this fund be paid to them per capita, and many reasons were urged upon them to induce them to take steps to have this fund disbursed, and finally yielding to this pressure, they requested Congress to enact the necessary legislation. It was urged by the Cherokee that the money could be profitably spent in improving their farms.

On March 18, 1890, the Cherokee delegation, then in Washington, Messrs. Adair and Bushyhead, together with the principal chief of the nation, J. B. Mayes, presented to the Committees on Indian Affairs of Congress a memorial urging legislation for the disbursement of this fund to the Delawares, in which, among other things, as reasons why this action should be taken, they say:

> Favorable opportunities for investment are everywhere present. The rapid improvement of our country makes it plainly apparent that all choice bodies of land will soon be occupied, and those of our citizens are fortunate who have the means to locate and improve these lands before they are all taken up, etc.

A perusal of this memorial will show the ingenious arguments resorted to by the Cherokee delegation to secure the passage of this legislation and the expenditure of this large amount of money in the Cherokee Nation.

Yielding to this persuasion, Congress on March 3, 1891, appropriated one-half of the money and provided for its payment under the direction of the Secretary of the Interior. Before making the payment, however, Mr. Leo E. Bennett, at that time agent for the Five Civilized Tribes, made a thorough investigation as to the condition of the Delawares and the purposes to which the money was to be applied, submitting a list of questions to each Delaware and receiving his answers thereto, it appearing to be the purpose of the Department that this fund should be expended by the Delawares only in the improvement of their farms and homes. After making this investigation Mr. Bennett made a report, in which he says:

> Besides the questions here printed, the question "To what use do you propose applying your principal funds if paid to you," was asked each head of family. The answers were, almost without exception, "Improve my place." * * * Their houses are for the most part well built and substantial, and their fences, outhouses, and other improvements are well taken care of. No one who has visited the Delaware settlement could fail to note the fact that they are among the most thrifty and intelligent Indians in the entire Indian country.

Although this showing seems to have been all that could have been expected or desired on the part of the Delawares, the Government seems to have decided that only one-half of the fund should be paid to the Delawares at that time, the other half being reserved until it could be seen that the first half had been applied to the improvement as contemplated, and the second half was not paid until 1893, when, apparently, the Department had become satisfied that all the first half had been strictly applied to the purpose of improvement as contemplated.

Notwithstanding all these facts, it appears now, as stated to me by members of the Dawes Commission and as shown in their resolution of December 10, 1903, and letters of December 26, 1903, that it is the purpose of said Commission, without waiting for the decision of the suit now pending in the Supreme Court of the United States, to anticipate the same; to proceed as if the same had been decided adversely to the Delawares; to segregate 160 acres for each of the Delawares registered in 1867 who are now living, who number only about 195, and the heirs of deceased registered Delawares who are in possession of tracts selected by said deceased registered Delawares, and disregarding all the improvements that the Delawares, in their economy and thrift have made and the homes that they have occupied during all the years since their settlement in the Cherokee Nation, to select for them, out of the refuse lands of the Cherokee Nation such as have not been claimed by any other person, enough land to make up the total of 157,600 acres and to hold the other lands so occupied and improved by Delaware Indians subject to settlement by any Cherokee who may apply therefor.

The injustice of this proposition is so manifest that it seems hardly necessary to call attention to it directly. There would be only about 35,000 acres of land to be segregated for the registered Delawares living and the heirs of the deceased registered Delawares, since there are less than 200 living registered Delawares and less than twenty tracts of improved land that were selected and improved by registered Delawares and now in possession of their heirs, for in the case of the descendants of deceased registered Delawares it has been the practice in the Cherokee Nation to sell the improvements, in order that the proceeds might be distributed among the heirs, so that there are comparatively few of the homes of this class that are now in the possession of the descendants of deceased registered Delawares and which have been so continuously.

There would, therefore, be more than 122,000 acres of land to be selected to make up the Delaware segregation, of the most inferior lands in the Cherokee Nation, located largely in the flint hills, and at present appraised at 50 cents per acre, while the valuable lands occupied by the Delawares and under a high state of cultivation, in the improvement of which not only have their lives been spent and their earnings invested, but also their share of the invested funds of the Delawares, paid to them in 1891 and 1893 as above explained. All of this would, under the rule adopted by the Commission, be confiscated and turned over to Cherokee without compensation, while the Delawares, whose time and money have been spent in creating these improvements, would be given raw and inferior land 100 miles from home amid hostile surroundings, and to-day only appraised at one-half the price they paid for land thirty-five years ago.

If the Delawares are not to be permitted to have the benefit of the improvements which have been made with their private funds, which

were withdrawn from investment in 1891 and 1893, as herein shown, and funds received from sale of the Cherokee Outlet, nearly all of which were invested in the improvement of these lands by direction of the officers of the Government, and by and with the advice of the Cherokee Nation, but are to be turned over to Cherokee as contemplated in the resolution and correspondence of the Dawes Commission herein set out, then surely it is the duty of Congress to return to the Delawares the $1,000,000 thus invested in such improvements; for it must be evident, even to the most prejudiced, that we would suffer hardship enough in the loss of our lands and homes without also being deprived of the improvements made upon the land at the expense of so much time and money.

In consideration of the foregoing your memorialists pray the Senate to take such immediate action in the premises, by resolution or otherwise, declaring its views as to the duties of said Commission under the law, as may tend to restrain such arbitrary and unlawful action on the part of said Commission and preserve the rights and status of the Delawares until the final determination of the suit now pending in the Supreme Court of the United States.

THE DELAWARE INDIANS RESIDING
IN THE CHEROKEE NATION,
By RICHARD C. ADAMS,
Attorney in Fact.

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EXHIBIT 1.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Ind. T., November 16, 1903.

DEAR SIR: This acknowledges receipt of your letter of the 14th instant, in which you specially request the Commission to express an opinion as to whether or not the applications filed by the Cherokee citizens upon lands included in the Delaware segregation would give them any preferred rights over the Delaware occupants in case the suit now pending should be decided against the Delawares.

In reply you are advised that it has always been the policy of the Commission to refuse to express in advance an opinion upon any question that it might be called upon in the future to pass upon officially, but in this connection your attention is invited to the opinion of the honorable Commissioner of Indian Affairs in the Creek contest case of John Thompson, father and next friend of Alice Thompson, contestant, *v.* Fred L. Dyer, father and next friend of Sarah Dyer, contestee, in which case the contestee had made application to file upon the lands upon which the contestant had improvements, and was entitled to the possession at the time of contestee's application, and this fact appearing to the Commission they refused to accept and approve the application but held the same suspended.

Under the rules of practice in Creek contests, based upon the Creek agreement, all contests must be instituted in ninety days from the date of the original application for the tract of land in controversy, and the contestee moved to dismiss because the contest was not initiated within the time required by said rule. In passing upon this motion the Commission used the following language:

"The Commission is of the opinion that the words 'original application' as used in said rule mean an application which has been allowed by the Commission and by reason of which a certain tract of land has been filed on or set apart to a certain individual as his selection for allotment, and that the ninety days does not begin to run until such tract has been set apart by the Commission on the plats on file in the land office to some person who is entitled to allotment. The tract in controversy has never been so set apart to any one and the motion to dismiss is therefore overruled."

This language was quoted from the original decision of the Commission with approval, and the decision was affirmed by the Commissioner of Indian Affairs and no appeal taken therefrom.

Respectfully,

TAMS BIXBY,
Chairman.

MR. RICHARD C. ADAMS,
Bond Building, Washington, D. C.

EXHIBIT 2.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, Ind. T., November 18, 1903.

DEAR SIR: You are hereby notified that before your application for the enrollment of yourself and the members of your family as Delaware citizens of the Cherokee Nation will be complete it will be necessary for you to furnish the Commission with further evidence as to your right to enrollment.

It is important that this evidence should be furnished at once, and you are therefore requested to appear before a special enrolling party of this Commission for this purpose on one of the dates and at one of the places named below:

Bartlesville, November 23 to 25, inclusive; Dewey, November 26 to 28, inclusive; Nowata, November 30 to December 1, inclusive; Claremore, December 2 to 3, inclusive; Vinita, December 4 to 5, inclusive.

Respectfully,

C. R. BRECKINRIDGE,
Commissioner in Charge Cherokee Land Office.

STEPHEN A. MILLER,
Delaware, Ind. T.

EXHIBIT 3.

NOVEMBER 21, 1903.

DEAR MR. BIXBY: I am in receipt of yours of the 16th. This letter very much clears up matters in my mind and I am sure will be appreciated by my people when I send them copies of it.

I wish you would hasten to me the black book called the certified copy of the Delaware register. I need this very much.

Yours, truly,

RICHARD C. ADAMS.

Hon. TAMS BIXBY, *Muscogee, Ind. T.*

EXHIBIT 4.

NOVEMBER 24, 1903.

GENTLEMEN: I am in receipt of a letter containing what purports to be a copy of a notice that has been sent to Mrs. N. M. Bartles. The notice reads as follows:

"You are hereby notified that before your application for enrollment as a Delaware citizen of the Cherokee Nation will be complete it will be necessary for you to furnish the Commission with further evidence as to your right to enrollment; also evidence from which your name can be identified upon the Delaware register.

"It is important that this evidence should be furnished at once, and you are therefore requested to appear before a special enrolling party of this Commission for this purpose on one of the dates and at one of the places named below:

"Bartlesville, November 23 to 25, inclusive; Dewey, November 26 to 28, inclusive; Nowata, November 30 to December 1, inclusive; Claremore, December 2 to 3, inclusive; Vinita, December 4 to 5, inclusive.

"C. R. BRECKINRIDGE."

Mrs. Bartles and her daughters were admitted by an act of the Cherokee council and paid their personal funds for such citizenship. They are Delaware Indians, but not of the 985 known as registered Delawares; neither are they descendants of such. Of this class of Delawares there are quite a number, among them Arthur Dodge and family, Lewis Ketchum, Elizabeth Ketchum, Mary Ketchum, and Solomon Ketchum, and the children of these Delawares would not be descendants of the registered Delawares, and would not be entitled to participate in the distribution of the segregated lands.

I desire to know if you have sent this notice to other Delawares, and what the purpose of it is.

Mr. George G. Chase informs me that from his talk with Major Breckenridge he thought the Commission was of the opinion that children born of white mothers and Delaware fathers should not be enrolled. It has always been the custom of the Delaware Indians to treat the wives of Delaware men as members of their tribe, and the children of Delaware men who married women other than Delawares were classed as belonging to the clan of the father in the Delaware tribe and not to the clan of the mother in some other tribe.

I wish you would keep me thoroughly advised as to the movements of the Commission in regard to the Delaware Indians and the Delaware lands, for I believe I can certainly be of assistance to you in helping to solve many of the problems that exist.

Yours, truly,

RICHARD C. ADAMS.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, Ind. T.

EXHIBIT 5.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Ind. T., November 24, 1903.

DEAR SIR: This acknowledges receipt of your letter of the 21st instant, in which you again call my attention to the fact that the certified copy of the Delaware register has not reached you.

In reply I desire to state that we sent to the Land Office and made a thorough search of everything there, and have searched all our records, files, and vaults here, and found that when we sent you the two Delaware pay rolls and the certified copy of the Delaware register, it left us entirely without any record or means by which to identify the Delawares, and we were forced to call on the Indian Office at Washington for their certified copy of the Delaware census of 1867. This was received by us

on October 10, and is the only register or roll of any kind we have pertaining to the Delawares, other than the rolls made by the Cherokee Nation.

In case the book should be found at any time, I will certainly send to you, and if a copy of the one we have borrowed from the Indian Office will serve your purpose, and you will so inform us, we will have a copy of it made here and send to you.

Respectfully,

TAMS BIXBY, *Chairman.*

RICHARD C. ADAMS,
Bond Building, Washington, D. C.

EXHIBIT 6.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, November 25, 1903.

SIR: With report of November 11, 1903, the Commission to the Five Civilized Tribes submitted a schedule of lands selected by the Delaware Indians in the Cherokee Nation, to be segregated under the provisions of section 23 of the act approved July 1, 1902 (32 Stat. L., 716), and under date of November 14, 1903, the chairman of the Commission submitted a further report. The matter has been referred to this office by note of November 19, 1903, in which, after a reference to departmental letters of October 6 and 29, 1903, it is said: "Inasmuch as said departmental letters were prepared in your office, said reports and inclosures are transmitted herewith, with a request that you give the Department your opinion and advice in the premises and the action which ought to be pursued."

April 20, 1903, the Commission made a report of its action under said section 23 of the act of July 1, 1902, supra, in which it was said that a schedule of lands selected by the Delawares had been accepted by the Commission as a proper list to be segregated. It was further stated, however, that the Commission had been advised that there are "numerous other Delaware citizens whose improved lands are not included within the said segregation;" that a number of Cherokee citizens had made application for allotments of lands embraced in said schedule, claiming to have been in possession of such lands, and that no Delaware citizen ever occupied such lands or owned any improvements thereon; and that the lands embraced in said schedules "have not been selected with due regard for the interests of either the Delaware citizens generally or other citizens of the Cherokee Nation."

While the Department had this report under consideration, suit was begun in behalf of the Delaware Indians to enjoin the Secretary of the Interior from in any manner interfering to change said list, and a temporary restraining order was issued. Upon final hearing of the case this temporary order was discharged and the injunction denied. Thereupon the Department, October 6, 1903, issued instructions to the Commission to the Five Civilized Tribes, in which it was said:

"It seems clear that the list or schedule of lands does not meet the requirement of the statute in that it does not include all the lands which have been selected and occupied by the Delawares, and in that it does not include lands which no Delaware has selected and occupied, but to which other Cherokee citizens have claims based upon alleged settlement and improvements thereon. You will therefore proceed at once to make such examination and investigation as will enable you to determine what tracts should be added to said list and what tracts now embraced therein should be excluded, care being taken to make the list cover the full quantity of land required to be segregated. You will as soon as possible report the results of such investigation, with suitable recommendations in the premises. In the meantime, and until the segregation shall have become effective, you will suspend all proceedings looking to the allotment of lands in the Cherokee Nation."

October 29, 1903, further instructions were given as follows:

"In order that the Department may have a better understanding of the condition of affairs, and to the end that speedy action may be taken when you shall submit a new list for action by the Department, these further instructions are given: You will at your earliest convenience make up a list of the tracts embraced in the former list which, as shown by the records of your office, are claimed and occupied by Delaware Indians, and to which there are no adverse claims. You will make another list, which shall embrace all tracts claimed by Delaware Indians but not included in the list heretofore presented to you. You will make a third list embracing the tracts included in the list heretofore presented to which some Cherokee citizens other than Delawares makes claim. You will transmit with each of these lists a

statement of the condition of the tracts embraced therein as to the occupancy thereof and improvements thereon, so far as the same are known to you, and will also recommend what action should be taken by the Department upon each of such lists.

"These instructions are not intended so supersede those of October 6, and you will therefore proceed upon any line of examination and investigation which may have been entered upon under those instructions."

The list now submitted is the same as that before presented to the Department, and the Commission still says that there are errors in that list and that "an amendment ought to be made to said segregation at the proper time embodying all the corrections which shall be found necessary." They, however, recommend that the list as it now stands be now approved, leaving the corrections to be made hereafter.

So far as appears from the papers submitted the Commission has taken no action under the instructions of October 6 and 29. The Department is still without any definite information as to the extent of the errors in this list or as to the number of people affected thereby. The statements made are general and indefinite, to the effect that numerous Delaware citizens are not protected by said list, and that a number of Cherokee citizens are affected thereby. The information is altogether too indefinite to enable the Department to determine the seriousness of the errors in said list. It was evidently to obviate this difficulty that the instructions of October 29 were given.

If the Department approves the schedule submitted, it will do so with the knowledge that it is inaccurate, and with the understanding that steps should be taken at once to make corrections. Under these conditions I am not prepared to advise approval of said list at this time. If the Commission shall hereafter submit reports under the instructions heretofore given it, which show that the errors are few and of small consequence, it may well be that the Department will be justified in giving its approval of the list as it now stands and making corrections afterwards. If, however, such reports should show that the errors are numerous and a large number of people are affected thereby, the Department would not, in my opinion, be justified in adopting this schedule before corrections were made. My advice therefore is that the Commission be instructed to make the reports called for by letters of October 6 and 29, in order that the Department may be more fully advised in the premises and in a position to take intelligent action.

The papers submitted are returned herewith.

Very respectfully,

F. L. CAMPBELL,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

Approved.

E. A. HITCHCOCK, *Secretary.*

EXHIBIT 7.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Ind. T., November 27, 1903.

DEAR SIR: My telegram to you of this date, reading as follows, is hereby confirmed: "On Thursday, December 10, at 9 o'clock a. m., Commission will consider in session matters pertaining to Delaware segregation. Will be pleased to hear any arguments, oral or written, which you may desire to present at that time touching upon the method which should be adopted for making segregation."

Yours, truly,

TAMS BIXBY, *Chairman.*

Mr. R. C. ADAMS,
Bond Building, Washington, D. C.

EXHIBIT 8.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, Ind. T., November 27, 1903.

DEAR SIR: The Commission is in receipt of your letter of the 24th instant, relating to a letter sent by this office to Mrs. N. M. Bartles, notifying her to appear before an enrollment party and give additional evidence concerning her right to enrollment as a citizen of the Cherokee Nation.

You also request to be kept advised as to the movements of the Commission in regard to the Delaware Indians and the Delaware lands.

Concerning the letter to Mrs. Bartles, it was one of a similar character sent to a number of persons listed as Delawares. These were instances in which it was found upon review that the evidence in the cases was not complete, or that certain points had not been clearly brought out. In Mrs. Bartles's case, the original taking of the case, as recorded, left an inference that she was not a registered Delaware; but her status in that particular was not distinctly and definitely set forth. Such amendments and details have to be attended to before the cases are ready for presentation to the Commission for final decision. As you doubtless know, the so-called Delaware citizenship cases have not been passed upon yet by the Commission or forwarded to the Secretary of the Interior for his approval, not having been carried beyond the point of being listed under that class for consideration and determination by the full Commission.

In regard to your wish to be kept advised as to the movements of the Commission in regard to the Delaware Indians, it is not customary, nor deemed necessary, either for you as counsel or for the Commission, to call attention to the execution of such preparatory details as are receiving consideration, but the Commission will advise you fully and in due time, when it comes to taking action upon the material in hand, and it is the earnest desire of the Commission that you shall have and shall exercise every reasonable and necessary facility in protecting your rights and the rights of your clients, and in assisting as far as possible in reaching a final satisfactory solution of this somewhat complicated matter.

Respectfully,

C. R. Breckinridge,
Commissioner in Charge Cherokee Land Office.

Richard C. Adams,
Bond Building, Washington, D. C.

Exhibit 9.

November 28, 1903.

Gentlemen: There is inclosed herewith copy of a communication from the Assistant Attorney-General, dated November 25, 1903, approved by me same day, concerning your report dated November 11, 1903, submitting a schedule of lands selected by the Delaware Indians in the Cherokee Nation, to be segregated under the provisions of section 23 of the act approved July 1, 1902 (32 Stat. L., 716), and referring to the report of the chairman of the Commission, dated November 14, 1902, concerning the same matter.

Reference is made by the Assistant Attorney-General to departmental instructions of October 6, 1903, wherein you were directed to "proceed at once to make such examination and investigation as will enable you to determine what tracts should be added to said list and what tracts now embraced therein should be excluded, care being taken to make the list cover the full quantity of land required to be segregated."

The instructions contained in departmental letter of October 29, 1903, directing you to transmit three lists, are quoted by the Assistant Attorney General, and it is expressly stated that said instructions were not intended to supersede those of October 6, from which the above quotation is made.

No special directions were given you in either of said letters as to the manner or method in which you should make the investigation desired.

It is believed by the Department that your Commission, with its trained and experienced employees, can secure the information and make the reports called for by said departmental instructions of October 6 and 29 without serious difficulty or great delay. It will be necessary that the list of the lands to be segregated shall contain all the "lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April eighth, eighteen hundred and sixty-seven," and if the amount of such lands should not equal the 157,600 acres required by law to be segregated, then there should be included in said list other lands not occupied or claimed adversely by Cherokee not Delaware.

It seems to be imperative that the list of Delaware lands submitted by you for segregation should contain all the lands duly "selected and occupied" by the Delawares. It certainly will not be difficult to secure satisfactory reports of the condition of those tracts of land not included in the previous list which are claimed by Delawares, nor does the Department believe that it will be necessary for your Commission to have

formal hearings to determine the rights of adverse claimants to tracts selected and occupied by the Delawares. Whether a tract of land is "occupied" or not can be ascertained by actual inspection, and if occupied the essential facts relative to such occupancy, sufficient for the purpose to be attained, can probably be discovered by intelligent inquiry. In this connection it should be borne in mind that, for obvious reasons, expedition in the matter is of great importance. It will be sufficient if you secure satisfactory reports from your trusted employees, which will enable you to present a list of 157,600 acres containing all the lands selected and occupied by Delawares, provided the same do not exceed the amount of 157,600 acres required by law to be segregated, and in like manner you can obtain the information which will enable you to transmit the other lists referred to in said departmental letters.

You will therefore proceed as soon as possible to carry out the instructions of the Department in the manner above indicated.

The papers transmitted with your letter of November 11 are also inclosed, together with copies of the reports of the Commissioner of Indian Affairs, transmitting the same.

Respectfully,

E. A. HITCHCOCK,
Secretary.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

EXHIBIT 10.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, Ind. T., December 1, 1903.

DEAR SIR: For your information I inclose herewith a copy of instructions issued to this division November 28 by the Commission, directing certain preliminary work to be done looking to the making of the Delaware segregation.

As you will observe, this work consists mainly in the orderly arrangement, with the foregoing end in view, of the data of the office, both as respects the citizenship status of all persons likely to be affected by the Delaware segregation, and the status, location, and area of all lands at present in question.

This office has recently done considerable work, of the nature of its regular work, in perfecting the citizenship data of applicants for enrollment as Cherokee citizens and such data as to lands as is usually obtained in improvement surveys.

In the taking of testimony, especially such as may arise in the actual making of the segregation, it is desired that you be present, either in person or by representative.

You will be given due notice of such intentions; and all the records upon which the Commission may propose to base its conclusions in this matter will, in every way practicable, be subject to your inspection.

It is possible that after argument before the Commission, fixed for the 10th instant, the field of inquiry will be more definitely defined. But it is desired that you have every reasonable opportunity to protect the interests of your clients, both individually and collectively, and any assistance you can render in elucidating the rights of any of the parties in question will be welcomed.

Respectfully,

C. R. BRECKINRIDGE,
Commissioner in Charge Cherokee Land Office.

RICHARD C. ADAMS,
Bond Building, Washington, D. C.

The commissioner in charge of the Cherokee land office is instructed, preparatory to making a report to the Commission with respect to the Delaware segregation, to take the following steps:

1. Make from the record of the office a list of all registered Delawares who are believed to be entitled to enrollment.

2. Make a list of the lands held and occupied or claimed by said registered Delawares, so far as the same is embraced in the present list, and state adverse claimants to such lands, if any.

3. Make a list of such lands to the extent of 160 acres for each of said registered Delawares, preferably such land as contains their improvements, stating adverse claimants, if any.

4. Make a list of lands held and occupied or claimed by registered Delawares, but which are not included in the present list, stating any adverse claims, and indicating what 160 acres per capita of such Delawares contains their improvements.

5. Make a list of all lands in the present list to which Cherokee citizens other than those claiming to be Delawares make claim, with statement of the claims.

6. Make a list of lands held and occupied or claimed by so-called Delawares other than registered Delawares, so far as the same are embraced in the present list, stating what 160 acres include their improvements and adverse claims, if any.

7. Make a list of lands held and occupied or claimed by so-called Delawares, not registered Delawares, which are not embraced in the present list, stating what 160 acres contain their improvements and all adverse claims.

8. Make a list of lands to the extent of 160 acres each, selected and occupied or claimed by deceased registered Delawares, stating nature of improvements upon said lands and all adverse claims.

Notice will be given to the attorneys of the Cherokee Nation and of the Delaware claimants of the taking of any testimony in the execution of the foregoing instructions, and report will be made to the Commission as soon as practicable.

EXHIBIT 11.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Ind. T., December 2, 1903.

DEAR SIR: The Commission is in receipt of your letter of November 27, addressed to Chairman Bixby, giving further and minute description of the certified copy of the Delaware register of 1867, asking that a search be made for this roll and that it be forwarded to you.

In reply you are advised that a thorough search is being made, and if the roll is found it will be promptly forwarded to you.

Respectfully,

TAMS BIXBY, *Chairman.*

RICHARD C. ADAMS,
Representing the Delaware Indians, Bond Building,
Washington, D. C.

EXHIBIT 12.

DECEMBER 3, 1903.

MY DEAR SIR: I have your telegram of November 27 stating that the Commission will meet on December 10 to consider matters pertaining to the segregation of the Delaware lands, and that you will be pleased to hear oral or written arguments which we may desire to present touching the method which should be adopted for making segregation.

The agreement between the Delawares and the Cherokee of April 8, 1867, provides that—

"The selection of the lands to be purchased by the Delawares may be made by said Delawares in any part of the Cherokee Reservation east of the said line of 96° not already selected and in the possession of other parties."

The Delawares, therefore, are to make their own selections.

The selections they have made are on file with you. The only question that can arise, therefore, is as to whether any part of the lands so selected were "already selected and in the possession of other parties," within the meaning of the agreement.

The phrase "already selected and in the possession of other parties" refers, of course, to the date of the agreement, that is, April 8, 1867. If it is claimed, therefore, that any part of these lands were not open to the Delawares to select, it must be because on April 8, 1867, they had been "already selected and in possession of other parties" who are now claiming them. It is not enough that the lands should have been "selected." They must have been not only "selected" but in the actual "possession of other parties."

If it is claimed that any part of these lands were on April 8, 1867, "already selected and in possession of other parties," that would raise an issue which I have no doubt your Commission has the power to determine, and we will be prepared to meet any such issue when it is raised. In case that issue should be determined against us as to any particular section or tract of land, then we will make other selections that are open to us to complete the 157,600 acres.

Otherwise we are entitled to have segregated to us the lands we have already

selected, and in any event we are entitled to have segregated to us the lands which we have selected and which were not on April 8, 1867, "already selected and in possession of other parties," and such other lands as we may hereafter select in the place of those which it may determine were on that date "already selected and in possession of other parties."

I had a talk with Mr. William T. Hutchings, in Washington yesterday, on this matter, and his views and mine seem to be in entire accord in the matter.

The Delawares insist upon the segregation to them of the lands which they have already selected, and, if further selections are to be made, of the lands which they may hereafter select.

I am of the opinion that the function and power of your Commission is confined simply to the determination of what lands the Delawares have selected, and whether they are under the terms of this agreement open to selection by the Delawares.

Whenever any issue that may be raised in this matter is to come up for trial before your Commission, the Delawares will be properly represented either by my office or otherwise upon receiving adequate notice.

The provision limiting the right of the Delawares to select lands "not already selected and in the possession of other parties" is of course inserted simply for the protection of parties who had already made their selections at that time, and such parties alone are entitled to raise the objection. If the Delawares have bought the rights of Cherokee already in possession or induced for any consideration the Cherokee to give up his selections, then the lands became obviously open for selection to the Delawares. The only lands which the Delawares could not select were those which were "already selected and in possession of other parties" who are in position to insist upon their rights and do so insist upon their rights. When they have sold out to the Delawares they can not of course set up their prior locations against the Delaware selections.

Yours, very truly,

WALTER S. LOGAN.

Hon. TAMS BIXBY,
Chairman Commission, Muscogee, Ind. T.

EXHIBIT 13.

DECEMBER 7, 1903.

DEAR SIR: I am in receipt of your letter of December 1, with inclosure, and thank you for the information.

In the list that was handed to Mr. Chase I notice that several parties claiming lands within the Delaware segregation are represented by Thomas W. Triplett. I do not know who any of these parties are, but I see that some of them are claiming lands which contain improvements I have bought and which I have put into the Delaware segregation. Parties from the Indian Territory whom I have seen in this city tell me that Thomas Triplett succeeded in having some fictitious names enrolled, and also succeeded in filing these names before the land office. If this is true, possibly some of the parties who are claiming Delaware segregated lands may be only fictitious names used by Triplett for that purpose.

For the information of the Commission, and for future reference, I hand you herewith a memorandum showing lands that I have purchased from certain Cherokees who formerly owned improvements thereon. These improvements belong to me. The land is put into the Delaware segregation and belongs to the Delaware Indians, subject to future determination of the Delaware council and the decision of the Supreme Court in the case now pending. The Delaware Indians contracted to pay me in land for services rendered in defending their interests. This they would prefer to do, but if for any reason they can not, then this land belongs to them and I will have to look to them to give me compensation for my services through other means. In any event, the lands described in the memorandum herewith inclosed do not belong to Cherokee citizens, said citizens having parted with their right to select the same by receiving cash consideration from me for whatever rights they had in and to the lands and improvements. I can send you at any time you wish copies of the original deeds or bills of sale, or the originals themselves, if need be.

In addition to the lands in the inclosed list I have some other lands of which at this writing I have not prepared a memorandum.

I also send you, under separate cover, for your information, copy of Senate Document No. 16, which may be useful to you for reference hereafter.

If there is any way in which I can assist you or the Commission in regard to the segregation of the Delaware lands I will be glad to render such aid as is in my power.

Yours, truly,

RICHARD C. ADAMS.

Hon. CLIFTON R. BRECKINRIDGE,
Commissioner in Charge Cherokee Land Office,
Tahlequah, Ind. T.

On June 18, 1897, I bought from William P. Ross and Edward G. Ross three-fourths interest in the SW. ¼ and NW. ¼ of section 29, township 16, range 20, paying the sum of $160.

At a later date I bought the remaining interest of the Ross brothers, paying the sum of $125.

On the 23d day of January, 1897, I bought from Walter Scott 38 acres in section 6, township 15, range 20, for which I paid the sum of $300.

On the 27th day of November, 1896, I paid Walter Scott $50 for about 25 acres of land on the north side of Fort Gibson and Tahlequah road, to straighten up our lines in section 1, township 15, range 20.

On the 2d day of November, 1896, I paid James S. Fuller and Rosie L. Fuller $400 for about 40 acres of land in sections 1 and 12, township 15, range 19.

On the 19th day of November, 1896, I paid William P. Ross and Maud Ross $150 for 18 acres of land on the north side of Fort Gibson road that runs by the national cemetery, the same being in section 1, township 15, range 19.

On the 23d day of January, 1897, I paid H. C. Meigs $500 for a tract of land then known as the Meigs pasture, consisting of about 500 or more acres, being in sections 30 and 31, township 16, range 20.

On the 8th day of December, 1896, I paid to J. S. and R. L. Fuller $200 for 15 or more acres of land bounded as follows: On the east side by the tract lately belonging to William Ross and now belonging to R. C. Adams; on the south side by the Tahlequah and Fort Gibson road; on the west by a straight line running parallel with the section line; and on the north by the Corrall branch; all being in section 1, township 15, range 19.

On the 9th day of December, 1896, I paid Alfred Smith $25 for about 2½ acres of land in section 1, township 15, range 19, to straighten up my line.

On July 10, 1897, I paid William Hendricks and wife, for 200 acres or more of land located in section 6, township 15, range 20, and section 31, township 16, range 20, $500.

On the 3d day of December, 1896, I paid Walter Scott $40 for 24 acres in section 1, township 15, range 19.

On the 24th day of July, 1897, I paid William P. Ross and M. W. Ross and E. G. Ross $1,000 for 50 acres of land in section 6, township 15, range 20, and section 31, township 16, range 20; also 80 acres in section 29, township 16, range 20.

On December 24, 1896, I paid E. C. Willey $10, and also cleared up and put in good order a road, for the right to change up my lines on the north, in section 1, township 15, range 19, and section 6, township 15, range 20.

On November 30, 1896, I paid J. Thompson and E. C. Thompson $250 for 40 acres of land in section 1, township 15, range 19.

On the 10th day of July, 1897, I paid William Hendricks and Eliza Hendricks $500 for 200 acres, more or less, formerly known as the Ross place, and located in section 6, township 15, range 20, and section 31, township 16, range 20.

About March, 1897, I selected and improved land in sections 25 and 36, township 16, range 19, consisting of about 340 acres.

I also purchased at a later date, from a party whose name I do not remember, the SE. ¼ of section 36, township 16, range 19, and 80 acres in section 31, township 16, range 20.

On October 31, 1899, I paid Harve and Lucy Bacon $200 for 160 acres of land, being the E. ½ of the SE. ¼ of section 26 and the E. ½ of the NE. ¼ of section 35, township 25, range 16.

On February 7, 1900, I bought from John Scruggs, guardian of Lincoln Scruggs, 240 acres of land, described as follows: SE. ¼ of section 21, and the S. ½ of the NE. ¼ of section 21, and the S. ½ of the NW. ¼ of section 21, all in township 24, range 17, for which I paid $450.

On the 20th day of October, 1899, I paid $600 to William Dale for 320 acres of land, being the N. ½ of section 18, township 24, range 17.

On the 29th day of August, 1899, I paid Lewis and Ella Bibles $1,250 for 750 acres,

more or less, being the SW. ¼ of section 14; the S. ½ of the NW. ¼ of section 14; lots 1, 2, 6, 7, and 8 in section 15; S. ½ of the NE. ¼; the SE. ¼; the NE. ¼ of the SW. ¼, and the S. ½ of the SW. ¼ of section 15; lots 3 and 5 in section 16, all in township 24, range 16.

On the 15th of September, 1899, I paid C. A. Robinson $750 for the W. ½ of the NW. ¼ of section 3 and the E. ½ of section 4, both in township 23, range 17.

On the 22d of June, 1899, I paid Henry C. Meigs and Mrs. F. J. Bondinot $500 for 560 acres of land, being the NW. ¼ of section 18, township 23, range 15, and the NE. ¼ of section 24, township 23, range 14, and the E. ½ of the SE. ¼ of section 13, township 23, range 14.

On the 14th of August, 1899, I paid to D. W. and Ruth Rogers $350 for the SE. ¼ of section 27 and the S. ½ of the NE. ¼ of section 27, both in township 24, range 17, containing 240 acres.

On the 17th of August, 1899, I paid John Hildebrand $225 for 200 acres of land, being the NE. ¼ of section 35 and the NE. ¼ of the SE. ¼ of section 35, township 24, range 17.

On the 21st of August, 1899, I paid H. H. Bird $225 for the SE. ¼ of section 32, township 24, range 17.

On March 29, 1899, I paid John R. McIntosh $1,250 for the NW. ¼ of section 32 and the N. ½ of the SW. ¼ of section 32, township 24, range 17, being 240 acres.

EXHIBIT 14.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Ind. T., December 8, 1903.

DEAR SIR: In reply to your letter of November 14, there are inclosed herewith copies of the allegations made in the matter of applications for allotment of land in the Cherokee Nation and in the matter of claims made of land alleged to be improperly included in what may be termed the Adams & Logan list of lands for segregation as Delaware land, concerning the following persons:

Samuel B. Severs, Daisy D. Byrd, Othie A. Smith, Susan Swan, Perry H. Beeson, Homer Billingslea, Sallie Taylor, Henry H. Byrd, Benjamin F. Bryant, Leona Bryant, Jane Byrd, Sterling Colston, Robert D. Blackstone, Milton K. Thompson.

These persons are those of whom you made request, with certain variations in name, with respect to which your letter seems to be in error.

It should be borne in mind that these so-called applications, in so far as they relate to land considered as being in the Delaware segregation, were considered and treated by the Commission simply as claims for such lands, as the special notice in each case was intended to show. The merits of such claims relate to the correctness of the list, and were held for such consideration as might be deemed right and proper. They are now receiving attention under instructions of which you are informed.

Respectfully,

TAMS BIXBY,
Chairman.

MR. RICHARD C. ADAMS,
Bond Building, Washington, D. C.

This is formal notice to you by the Commission that the SW. ¼ of SE. ¼ of NW. ¼ of sec. 28, T. 22 N., R 19 E., is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for yourself until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined, and that a final allotment of this land to yourself will not be made at this time.

I will accept this service of notice.

SAMUEL B. SEVERS.

VINITA, IND. T., *February 19, 1903.*

Testimony of SAMUEL B. SEVERS in the matter of the application for allotment and homestead on the reverse side hereof:

Q. What is your name?—A. Samuel B. Severs.

Q. What is your post-office address?—Muskogee, Ind. T.

Q. Were the persons for whom you make this application living on the 1st day of September, 1902?—A. Yes.

Q. Have the persons for whom you make this application ever been enrolled or recognized as citizens of the Choctaw, Chickasaw, Creek, or Seminole Nations?—A. No.

Q. Have the persons for whom you make this application received or applied for allotments of land in the Choctaw, Chickasaw, Creek, or Seminole Nations?—A. No.

Q. Are there any improvements on the land you have selected for yourself?—A. Yes.

Q. What do the improvements consist of?—A. 'Tis pasture prairie, all under fence.

Q. Who is the owner of these improvements?—A. I am.

Q. Does anyone else claim this land or any part of it?—A. No.

Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

Q. Are there any improvements on the land you have selected for Emma Severs?—A. Yes.

Q. What do the improvements consist of?—A. About all in cultivation and inclosed.

Q. Who is the owner of these improvements?—A. I am.

Q. Does anyone else claim this land or any part of it?—A. No.

Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

Q. Are there any improvements on the land you have selected for Charles J. Severs?—A. Yes.

Q. What do the improvements consist of?—A. About all in cultivation and inclosed.

Q. Who is the owner of these improvements?—A. I am.

Q. Does anyone else claim this land or any part of it?—A. No.

Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

Q. Is that portion of the land which you have designated as a homestead suitable for a home?—A. Yes.

SAMUEL B. SEVERS.

INDIAN TERRITORY, *Northern District:*

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Samuel B. Severs were reduced to writing in his presence and were read to and subscribed by him in my presence at the time and place and in the matter mentioned in the caption, he having been first sworn by me that the testimony he should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 19th day of February, 1903.

SAMUEL FOREMAN, *Notary Public.*

This is formal notice to you by the Commission that the SE. ¼ of NW. ¼ and E. ½ of SW. ¼ of NW. ¼ of sec. 32, T. 24, R. 17, is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for yourself until the suit of the Delaware Indians against the Cherokee Nation, now pending, has been determined, and that a final allotment of this land to yourself will not be made at this time.

I will accept this service of notice.

DAISY D. BYRD.

VINITA, IND. T., *March 27, 1903.*

Testimony of DAISY D. BYRD in the matter of the application for allotment and homestead on the reverse side hereof:

Q. What is your name?—A. Daisy D. Byrd.

Q. What is your post-office address?—A. Chelsea, Ind. T.

Q. Has the person for whom you make this application ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek, or Seminole nations?—A. No.

Q. Has the person for whom you make this application received or applied for an allotment of land in the Choctaw, Chickasaw, Creek, or Seminole nations?—A. No.

Q. Are there any improvements on the land you have selected for yourself?—A. Yes.

Q. What do the improvements consist of?—A. About 30 acres in cultivation; the rest prairie land, all inclosed with other land.

Q. Who is the owner of these improvements?—A. A. J. Blackwell.

Q. Have you obtained permission of A. J. Blackwell to select the land on which his improvements are located?—A. No.

Q. Does anyone else claim this land or any part of it?—A. No.

Q. Is that portion of the land which you have designated as a homestead suitable for a home?—A. Yes.

DAISY D. BYRD.

INDIAN TERRITORY, *Northern District.*

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Daisy D. Byrd were reduced to writing in her presence and were read to and subscribed by her in my presence at the time and place and in the matter mentioned in the caption, she having been first sworn by me that the testimony she should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 27th day of March, 1903.

SAMUEL FOREMAN, *Notary Public.*

I, Daisy D. Byrd, do hereby make application to have set apart to me, and to those whom I lawfully represent, lands selected by me, as follows:

Roll No.	Name.	Subdivision of—	Section.	Township.	Range.	Acres.	Valuation.	Homestead.	Section.	Township.	Range.	Acres.	Valuation.
24963	Daisy D. Byrd ..	E. ½ of SE. ¼ of NW. ¼ of.....	32	24	17	20	$120.00	NW. ¼ of SE. ¼ of NW. ¼.....	32	24	17	10	$120.00
		SW. ¼ of SE. ¼ of NW. ¼ of.....	32	24	17	10		E. ½ of SW. ¼ of NW. ¼	32	24	17	20	

I, Daisy D. Byrd, do solemnly swear that I have in person actually been upon the lands so selected by me for myself and for those whom I represent, as above described, and am fully informed as to the location of the same and the character of the soil, and that I have in good faith selected such lands and will accept the same in allotment for myself and for those whom I represent, and that no part of said lands is lawfully held by any other citizen of the Cherokee Nation.

DAISY D. BYRD.

Subscribed and sworn to before me at Vinita, Ind. T., this 27th day of March, A. D. 1903.

[SEAL.] SAMUEL FOREMAN, *Notary Public.*

This is formal notice to you by the Commission that the SW. ¼ of SE. ¼ of NE. ¼ of sec. 22, T. 22, R. 22, is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for Florence Smith until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined, and that a final allotment of this land to Florence Smith will not be made at this time.

I will accept this service of notice.

OTHIE A. SMITH.

VINITA, IND. T., *March 25, 1903.*

Testimony of OTHIE A. SMITH in the matter of the application for allotment and homestead on the reverse side hereof:

Q. What is your name?—A. Othie A. Smith.

Q. What is your post-office address?—A. Fairland.

Q. Was the person for whom you make this application living on the 1st day of September, 1902?—A. Yes.

Q. Has the person for whom you make this application ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Has the person for whom you make this application received or applied for an allotment of land in the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Are there any improvements on the land you have selected for Florence Smith?—A. Yes.

Q. What do the improvements consist of?—A. A party fence incloses section 22.
Q. Who is the owner of these improvements?—A. Myself, I. James, P. Beeson, and G. James, all of Fairland.
Q. Have you obtained permission of I. James, P. Beeson, and G. James to select the land on which their improvements are located?—A. Yes.
Q. Does anyone else claim this land or any part of it?—A. Milton K. Thompson has filed on it.
Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

OTHIE A. SMITH.

INDIAN TERRITORY, *Northern District:*

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Othie A. Smith were reduced to writing in his presence and were read to and subscribed by him in my presence at the time and place and in the matter mentioned in the caption, he having been first sworn by me that the testimony he should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 25th day of March, 1903.

SAMUEL FOREMAN, *Notary Public.*

This is formal notice to you by the Commission that the N. ½ of SE. ¼ of NE. ¼ and SE. ¼ of SE. ¼ of NE. ¼ of sec. 22, T. 22 N., R. 22 E. is embraced in the segregation which has been made to the Delaware Indians, who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for yourself until the suit of the Delaware Indians against the Cherokee Nation now pending has been determined, and that a final allotment of this land to yourself will not be made at this time.

I will accept this service of notice.

OTHIE A. SMITH.

VINITA, IND. T., *March 25, 1903.*

Testimony of OTHIE A. SMITH in the matter of the application for allotment and homestead on the reverse side hereof.

Q. What is your name?—A. Othie A. Smith.
Q. What is your post-office address?—A. Fairland.
Q. Have you ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.
Q. Have you received or applied for an allotment of land in the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.
Q. Are there any improvements on the land you have selected for yourself?—A. Yes.
Q. What do the improvements consist of?—A. Fenced on east side and partly fenced on west side—section 22 is inclosed by a party fence.
Q. Who is the owner of these improvements?—A. Myself, except the boundary fence, in which I. James, P. Beeson, and G. James, of Fairland, are part owners.
Q. Have you obtained permission of I. James, P. Beeson, and G. James to select the land on which their improvements are located?—A. Yes.
Q. Does anyone else claim this land or any part of it?—A. Milton K. Thompson has filed on it.
Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

OTHIE A. SMITH.

INDIAN TERRITORY, *Northern District:*

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Othie A. Smith were reduced to writing in his presence and were read to and subscribed by him in my presence at the time and place and in the matter mentioned in the caption, he having been first sworn by me that the testimony he should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 25th day of March, 1903.

SAMUEL FOREMAN,
Notary Public.

This is formal notice to you by the Commission that the NW. ¼ of SW. ¼ of NE. ¼ of sec. 27, T. 24, R. 17, is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for yourself until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined, and that a final allotment of this land to yourself will not be made at this time.

I will accept this service of notice.

SUSAN (her x mark) SWAN.

Witness: W. S. D. MOORE.

VINITA, IND. T., *March 18, 1903*

Samuel Foreman, interpreter.

Testimony of Susan Swan in the matter of the application for allotment and homestead on the reverse side hereof:

Q. What is your name?—A. Susan Swan.

Q. What is your post-office address?—A. Foyil, Ind. T.

Q. Have you ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Have you received or applied for an allotment of land in the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Are their any improvements on the land you have selected for yourself?—A. Yes.

Q. What do the improvements consist of?—A. All in cultivation and under fence.

Q. Who is the owner of these improvements?—A. I am.

Q. Does any one else claim this land or any part of it?—A. No.

Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

SUSAN (her x mark) SWAN.

Witnesses to mark:
W. S. D. MOORE,
THOMAS J. FARRAR.

INDIAN TERRITORY, *Northern District:*

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Susan Swan were reduced to writing in her presence and were read to and subscribed by her in my presence at the time and place and in the matter mentioned in the caption, she having been first sworn by me that the testimony she should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 18th day of March, 1903.

SAMUEL FOREMAN, *Notary Public.*

This is a formal notice to you by the Commission that the SW.¼ of SW.¼ of NW.¼ of sec. 22, T. 22, N. R. 22 E. is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for yourself until the suit of the Delaware Indians against the Cherokee Nation, now pending, has been determined, and that a final allotment of this land to you will not be made at this time.

I will accept this service of notice.

PERRY H. BEESON.

VINITA, IND. T., *March 14, 1903.*

Testimony of PERRY H. BEESON in the matter of the application for allotment and homestead on the reverse side hereof:

Q. What is your name?—A. Perry H. Beeson.

Q. What is your post-office address?—A. Fairland, Ind. T.

Q. Have you ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Have you received or applied for an allotment of land in the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Are there any improvements on the land you have selected for yourself?—A. Yes.

Q. What do the improvements consist of?—A. Entire tract under fence.
Q. Who is the owner of these improvements?—A. I am.
Q. Does anyone else claim this land or any part of it?—A. Yes; I understand that Sterling Colston has filed on this tract.
Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

PERRY H. BEESON.

INDIAN TERRITORY, *Northern District:*

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Perry H. Beeson were reduced to writing in his presence and were read to and subscribed by him in my presence at the time and place and in the matter mentioned in the caption, he having been first sworn by me that the testimony he should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 14th day of March, 1903.

SAMUEL FOREMAN, *Notary Public.*

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This is formal notice to you by the Commission that the N. ½ of NW. ¼, SE. ¼ o NW. ¼, N. ½ of SW. ¼ of NW. ¼, and SE. ¼ of SW. ¼ of NW. ¼, all in sec. 22, T. 22 N., R. 22 E., is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for yourself until the suit of the Delaware Indians against the Cherokee Nation now pending has been determined, and that a final allotment of this land to you will not be made at this time.

I will accept this service of notice.

PERRY H. BEESON.

VINITA, IND. T., *March 14, 1903.*

Testimony of PERRY H. BEESON in the matter of the application for allotment and homestead on the reverse side hereof:

Q. What is your name?—A. Perry H. Beeson.
Q. What is your post-office address?—A. Fairland, Ind. T.
Q. Have you ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.
Q. Have you received or applied for an allotment of land in the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.
Q. Are there any improvements on the land you have selected for yourself?—A. Yes.
Q. What do the improvements consist of?—A. Entire tract timbered land all under fence. I understand that a syndicate erected a 10 by 12 shack with no door, no windows, nor anything resembling a dwelling. This shack was erected about three or four years ago.
Q. Who is the owner of these improvements?—A. I am the owner of the fence, but can not say who owns the shack.
Q. Does anyone else claim this land or any part of it?—A. Yes; I understand that Milton K. Thompson has filed on this tract.
Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

PERRY H. BEESON.

INDIAN TERRITORY, *Northern District.*

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Perry H. Beeson were reduced to writing in his presence and were read to and subscribed by him in my presence at the time and place and in the matter mentioned in the caption, he having been first sworn by me that the testimony he should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 14th day of March, 1903.

SAMUEL FOREMAN, *Notary Public.*

This is formal notice to you by the Commission that the E. ½ of NW. ¼ of sec. 9, T. 23 N., R. 19 E., is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section

23 of the act of Congress, approved July 1, 1902, and that you will not be allowed this land for Homer Billingslea until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined, and that a final allotment of this land to Homer Billingslea will not be made at this time.

I will accept this service of notice.

MACK BILLINGSLEA.

VINITA, IND. T., *March 3, 1903.*

Testimony of MACK BILLINGSLEA in the matter of the application for allotment and homestead on the reverse side hereof:

Q. What is your name?—A. Mack Billingslea.

Q. What is your post-office address?—A. Vinita, Ind. T.

Q. Was the person for whom you make this application living on the 1st day of September, 1902?—A. Yes.

Q. Has the person for whom you make this application ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Has the person for whom you make this application received or applied for an allotment of land in the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Are there any improvements on the land you have selected for Homer Billingslea?—A. Yes.

Q. What do the improvements consist of?—A. About 45 acres of meadow, all inclosed; 20 acres of cultivated land and 15 acres of prairie pasture, not inclosed.

Q. Who is the owner of these improvements?—A. I am, except the cultivated land, which F. B. Fite claims.

Q. Have you obtained permission of F. B. Fite to select the land on which his improvements are located?—A. No.

Q. Does anyone else claim this land or any part of it?—A. Yes; F. B. Fite claims about 35 acres.

Q. Are there any churches, schoolhouses or burial grounds on this land?—A. No.

Q. Is that portion of the land which you have designated as a homestead suitable for a home?—A. Yes.

MACK BILLINGSLEA.

INDIAN TERRITORY, *Northern District*:

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Mack Billingslea were reduced to writing in his presence and were read to and subscribed by him in my presence at the time and place and in the matter mentioned in the caption, he having been first sworn by me that the testimony he should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 3d day of March, 1903.

SAMUEL FOREMAN, *Notary Public.*

This is formal notice to you by the Commission that the S. ½ of SE. ¼ of 27-24-17 is embraced in the segregation, which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress, approved July 1, 1902, and that you will not be allowed this land for your child Sallie until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined, and that a final allotment of this land to your child Sallie will not be made at this time.

I will accept this service of notice.

LAURA (her x mark) TAYLOR.

Witness: C. E. WEBSTER.

VINITA, IND. T., *February 26, 1903.*

Testimony of LAURA TAYLOR in the matter of the application for allotment and homestead on the reverse side hereof:

Q. What is your name?—A. Laura Taylor.

Q. What is your post-office address?—A. Chelsea, Ind. T.

Q. Was the person for whom you make this application living on the 1st day of September, 1902?—A. Yes.

Q. Has the person for whom you make this application ever been enrolled or recognized as a citizen of the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Has the person for whom you make this application received or applied for an allotment of land in the Choctaw, Chickasaw, Creek, or Seminole Nation?—A. No.

Q. Are there any improvements on the land you have selected for your daughter Sallie?—A. Yes.

Q. What do the improvements consist of?—A. Fencing and 15 acres under cultivation; all fenced, inclosing field and pasture prairie.

Q. Who is the owner of these improvements?—A. I am.

Q. Does anyone else claim this land or any part of it?—A. No.

Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No.

Q. Is that portion of the land which you have designated as a homestead suitable for a home?—A. Yes.

LAURA (her x mark) TAYLOR.

Witnesses to mark:
CHAS. E. WEBSTER.
THOMAS J. FARRAR.

INDIAN TERRITORY, *Northern District:*

I, the undersigned, a notary public in and for said district, do certify that the foregoing statements of Laura Taylor were reduced to writing in her presence and were read to and subscribed by her in my presence at the time and place and in the matter mentioned in the caption, she having been first sworn by me that the testimony she should give in the matter should be the truth, the whole truth, and nothing but the truth.

Given under my hand and official seal this 26th day of February, 1903.

SAMUEL FOREMAN, *Notary Public.*

VINITA, IND. T., *January 20, 1903.*

In the matter of the application of Henry H. Byrd to take an allotment of land and designate a homestead in the Cherokee Nation for himself, accompanied by a proper description of the land applied for and a certificate showing that he has been listed for enrollment as a citizen of said nation.

HENRY H. BYRD, being first duly sworn by Samuel Foreman, notary public, testified as follows:

Examination by the COMMISSION:

Q. What is your name?—A. Henry H. Byrd.

Q. What is your post-office address?—A. Chelsea, Ind. T.

Q. Are you a citizen of the Cherokee Nation?—A. Yes, sir.

Q. For whom do you make application for allotment?—A. Myself.

Q. Have you, or anyone else for you, ever before this date made application to be enrolled as a citizen of any other Indian nation?—A. No, sir.

Q. Have you, or anyone else for you, ever before this date made application to file on any land in the Cherokee Nation or any other Indian nation?—A. No, sir.

Q. Have you been out of the Indian Territory in the last five years?—A. No, sir.

Q. Do you own a home in the Cherokee Nation?—A. Yes, sir; I have a home on the land I am selecting as my little girl's allotment, which is near the land embraced in this application.

Q. You make selection for yourself for the N. ½ of NW. ¼ of SW. ¼ and SE. ¼ of NW. ¼ of SW. ¼ and SW. ¼ of SW. ¼ of NW. ¼ of sec. 32, T. 24 N., R. 17 E., containing 40 acres, and valued at $160, and select as your homestead the SW. ¼ of NW. ¼ of SW. ¼ of sec. 32, T. 24 N., R. 17 E., containing 10 acres, and valued at $40; is that correct?—A. Yes, sir.

Q. Are there any improvements on this land?—A. I had a one-wire fence around the NW. ¼ of SW. ¼ of sec. 32, but A. J. Blackwell, I understand, tore down a part of it.

Q. Does anyone else claim this land or any part of it?—A. A. J. Blackwell, a white man, claims it all, but I do not know what grounds he has for claiming it. I fenced the land before Christmas some time.

Q. Has anyone else any improvements on it?—A. A. J. Blackwell's fence cuts off about a quarter of an acre of the NE. corner of the 40 acres in SW. ¼ of sec. 32.

Q. Have you been over and examined this land with a view to making this application for it?—A. Yes, sir.

Q. Is the land suitable for a home?—A. Yes, sir.

Q. Are there any churches, schoolhouses or burial grounds on these lands?—A. No, sir.

Q. Do you accept these lands as a part of your final allotment in the Cherokee Nation?—A. Yes, sir.

Q. Have you made this selection in good faith in all respects?—A. Yes, sir.

This is formal notice to you by the Commission that the NW. ¼ of SW. ¼ of sec. 32, and the SW. ¼ of SW. ¼ of NW. ¼ of sec. 32, T. 24 N., R. 17 E., is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined, and that a final allotment of this land to you will not be made at this time.

HENRY H. BYRD.

Subscribed and sworn to before me this 20th day of January, A. D. 1903, at Vinita, Ind. T.

[SEAL.] SAMUEL FOREMAN, *Notary Public.*

VINITA, IND. T., *January 8, 1903.*

In the matter of the application of Benjamin F. Bryant to take allotments of land for himself and child, Leona Bryant, accompanied by a proper description of the land applied for and a certificate showing that they have been listed for enrollment as citizens of said nation.

BENJAMIN F. BRYANT, being first duly sworn by Samuel Foreman, notary public, testified as follows:

Examination by the COMMISSION:

Q. What is your name?—A. Benjamin F. Bryant.

Q. What is your post-office address?—A. Siloam Springs, Ark.

Q. Are you a citizen of the Cherokee Nation?—A. Yes, sir.

Q. For whom do you make application for allotment?—A. Myself and child.

Q. What is the name of your child?—A. Leona Bryant.

Q. Was your daughter alive on the 1st day of September, 1902?—A. Yes, sir.

Q. Is she alive and living with you at this time?—A. Yes, sir.

Q. Have you ever before this date made application for yourself or for your daughter to be enrolled as citizens of any other Indian nation?—A. No, sir.

Q. Have you ever before this date made application for yourself or for your daughter to file on any land in the Cherokee Nation or any other Indian nation?—A. No, sir.

Q. Have you or your daughter been out of the Indian Territory in the last five years?—A. No, sir; only in the State of Arkansas on matters of business; never lived out.

Q. Do you or your daughter own homes in the Cherokee Nation?—A. Yes, sir; I do.

Q. You make application for the E. ½ of SE. ¼ of NE. ¼ of sec. 20, T. 23 N., R. 19 E., containing 20 acres, and valued at $100; is that correct?—A. Yes, sir; for myself.

Q. Are there any improvements on this land?—A. Yes. It is under fence, and is a meadow.

Q. Does anyone else claim this land or any part of it?—A. Not that I know of.

Q. Has anyone else improvements on it?—A. No, sir.

Q. Have you been over and examined this land with a view to making this application for it?—A. Yes, sir.

Q. Is the land suitable for a home?—A. Yes, sir.

Q. You make application for your daughter Leona for the W. ½ of SE. ¼ of NE. ¼ of sec. 20, T. 23 N., R. 19 E., containing 20 acres, and valued at $100; is that correct?—A. Yes, sir.

Q. Are there any improvements on this land?—A. It is under fence, and about 20 acres under cultivation.

Q. Does anyone else claim this land or any part of it?—A. Not that I have any idea of.

Q. Has anyone else any improvements on it?—A. No, sir.

Q. Have you been over and examined this land with a view to making this application for it?—A. Yes, sir.

Q. Is the land suitable for a home?—A. Yes, sir.

Q. Are there any churches, schoolhouses, or burial grounds on any of these lands applied for?—A. No, sir.

Q. Do you accept these lands in part as the final allotments of yourself and child in the Cherokee Nation?—A. Yes, sir.

Q. Have you made this selection in good faith in all respects?—A. Yes, sir.

This is formal notice to you by the Commission that the E. ½ of SE. ¼ of NE. ¼ of sec. 20, T. 23 N., R. 19 E., 20 acres, and the W. ½ of SE. ¼ of NE. ¼ of sec. 20, T. 23 N., R. 19 E., 20 acres, is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for yourself and your daughter, Leona Bryant, until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined.

BENJAMIN F. BRYANT.

Subscribed and sworn to before me this 8th day of January, A. D. 1903, at Vinita, Ind. T.

[SEAL.] SAMUEL FOREMAN, *Notary Public.*

VINITA, IND. T., *January 5, 1903.*

In the matter of the application of Edward Byrd to take an allotment of land and designate a homestead in the Cherokee Nation for his wife, Jane Byrd, accompanied by a proper description of the land applied for and a certificate showing that she has been listed for enrollment as a citizen of said nation.

EDWARD BYRD, being first duly sworn by Samuel Foreman, notary public, testified as follows:

Examination by the COMMISSION:

Q. What is your name?—A. Edward Byrd.

Q. What is your post-office address?—A. Chelsea.

Q. Are you a citizen of the Cherokee Nation?—A. Certainly.

Q. For whom do you make application for allotment?—A. Jane Byrd, a Cherokee by blood.

Q. Are you married?—A. Yes, sir.

Q. What is the name of your wife?—A. Jane Byrd.

Q. Is she a citizen of the Cherokee Nation?—A. Yes, sir.

Q. Was she alive on the 1st day of September, 1902?—A. Yes, sir.

Q. Is she living with you at this time?—A. Yes, sir.

Q. Have you, or anyone else, ever before this date made application for your wife to be enrolled as a citizen of any other Indian nation?—A. No.

Q. Have you, or anyone else, ever before this date made application for your wife to file on any land in the Cherokee Nation or any other Indian nation?—A. No, sir.

Q. Has your wife been out of the Indian Territory in the past five years?—A. Yes; she has been out for her health; she has the asthma. She was in Oklahoma for about six weeks, but never made her home there.

Q. Does she own a home in the Cherokee Nation?—A. Yes, sir.

Q. You make application for your wife for the E. ½ of NE. ¼ of NW. ¼ of sec. 32, T. 24 N., R. 17 E., containing 20 acres, and valued at $60, and select as her homestead the E. ½ of NW. ¼ of NW. ¼ and W. ½ of NE. ¼ of NW ¼ of sec. 32, T. 24 N., R. 17 E., containing 40 acres, and valued at $120; is that correct?—A. Yes, sir.

Q. Are there any improvements on this land?—A. Yes, sir.

Q. Where are they located?—A. On the piece that I selected for her homestead.

Q. Is there a house on it?—A. Yes, sir.

Q. Who lives in the house?—A. A man by the name of Jim Cross lives there.

Q. Does he live there under contract with you?—A. Yes, sir; under contract with me. There is a corral and stable, a well on it.

Q. How many acres of this land are under cultivation?—A. Five or 6 acres.

Q. Is the improved land fenced?—A. Yes; it is fenced.

Q. Does anyone else claim this land or any part of it?—A. There is no one claims it that I know of.

Q. Has anyone else improvements on it?—A. John McIntosh; his field runs over in there about 2 acres on this allotment.

Q. Have you been over and examined this land with a view to making this application for it?—A. Yes, sir.

Q. Are there any churches, schoolhouses, or burial grounds on these lands?—A. No, sir.

Q. Is the land suitable for a home?—A. Yes, sir.

Q. Do you accept these lands as your wife's final allotment in the Cherokee Nation?—A. Yes, sir.

Q. Have you made this selection in good faith in all respects?—A. Yes, sir.

This is formal notice to you by the Commission that the E. ½ of NE. ¼ of NW. ¼ of sec. 32, T. 24 N., R. 17 E., containing 20 acres, and the E. ½ of NW. ¼ of NW. ¼, and W. ½ of NE. ¼ of NW. ¼ of sec. 32, T. 24 N., R. 17 E., containing 40 acres, is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land for your wife, Jane Byrd, until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined.

EDWARD BYRD.

Subscribed and sworn to before me this 5th day of January, A. D. 1903, at Vinita, Ind. T.

[SEAL.] SAMUEL FOREMAN, *Notary Public.*

VINITA, IND. T., *January 5, 1903.*

In the matter of the application of Sterling Colston to take an allotment of land in the Cherokee Nation for himself, accompanied by a proper description of the land applied for, and a certificate showing that he has been listed for enrollment as a citizen of said nation.

STERLING COLSTON, being first duly sworn by Samuel Foreman, notary public, testified as follows:

Examination by the COMMISSION:

Q. What is your name?—A. Sterling Colston.

Q. What is your post-office address?—A. Vinita, Ind. T.

Q. Are you a citizen of the Cherokee Nation?—A. Yes, sir.

Q. For whom do you make application for allotment?—A. For myself.

Q. Have you ever before this date made application to be enrolled as a citizen of any other Indian nation?—A. No, sir.

Q. Have you ever before this date made application to file on any land in the Cherokee Nation or any other Indian nation?—A. No, sir.

Q. Have you been out of the Indian Territory in the last five years?—A. No, sir.

Q. Do you own a home in the Cherokee Nation?—A. Yes, sir; I have a home on the land I am selecting as my allotment.

Q. You make application for the E. ½ of sec. 21, T. 22 N., R. 22 E., containing 320 acres, and valued at $160, and the SW. ¼ of SW. ¼ of NW. ¼ of sec. 22, T. 22 N., R. 22 E., containing 10 acres, and valued at $5; is that correct?—A Yes, sir.

Q. Are there any improvements on this land?—A. Yes, sir; there is a house and barn, which is, I think, on the SE. ¼ of NE. ¼ of sec. 21. The entire tract is inclosed, and there are about 8 or 9 acres under cultivation.

Q. Who lives in the house?—A. No one, just now.

Q. Does anyone else claim this land, or any part of it?—A. No; not that I know of.

Q. Has anyone else any improvements on it?—A. No, sir.

Q. Have you been over and examined this land with a view to making this application for it?—A. Yes, sir.

Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No, sir.

Q. Is the land suitable for a home?—A. Yes, sir.

Q. Do you accept these lands as your final allotment in the Cherokee Nation?—A. Yes, sir.

Q. Have you made this selection in good faith in all respects?—A. Yes, sir.

This is formal notice to you by the Commission that the E ½ of sec. 21, and the SW. ¼ of SW. ¼ of NW. ¼ of sec. 22, all in T. 22 N., R. 22 E., is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land until the suit of

the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined.

STERLING COLSTON.

Subscribed and sworn to before me this 5th day of January, A. D. 1903, at Vinita, Ind. T.

[SEAL.] SAMUEL FOREMAN, *Notary Public.*

VINITA, Ind. T., *January 5, 1903.*

In the matter of the application of Robert D. Blackstone, to designate a homestead in the Cherokee Nation for himself, accompanied by a proper description of the land applied for, and a certificate showing that he has been listed for enrollment as a citizen of said nation.

ROBERT D. BLACKSTONE, being duly sworn by Samuel Foreman, notary public, testified as follows:

Examination by the COMMISSION:

Q. What is your name?—A. Robert D. Blackstone.

Q. What is your post-office address?—A. Muskogee, Ind. T.

Q. Are you a citizen of the Cherokee Nation?—A. Yes, sir.

Q. For whom do you make application for a homestead?—A. For myself.

Q. Have you ever before this date made application for yourself to be enrolled as a citizen of any other Indian nation?—A. No, sir.

Q. Have you ever before this date made application for yourself to file on any land in the Cherokee Nation, or any other Indian nation?—A. No, sir.

Q. Have you been out of the Indian Territory in the last five years?—A. Yes, sir; on business merely; I have never been out on those trips for a longer period than thirty days.

Q. Do you own a home in the Cherokee Nation?—A. Yes, sir.

Q. You make application for and designate as your homestead the SW. ¼ and W. ½ of SE. ¼ of sec. 22, T. 22 N., R. 22 E., containing 240 acres, and valued at $120; is that correct?—A. Yes, sir; that is correct.

Q. Are there any improvements on this tract of land?—A. Yes, sir; there's a house on it, and the whole tract is under fence.

Q. Who lives in the house?—A. No one.

Q. How many acres of this land are under cultivation?—A. None of it.

Q. Does anyone else claim this land or any part of it?—A. This is a part of the land segregated for the Delawares; otherwise no one claims it.

Q. Has anyone else improvements on it?—A. No, sir.

Q. Have you been over and examined this land with a view to making this application for it?—A. Yes, sir.

Q. Are there any churches, schoolhouses, or burial grounds on this land?—A. No, sir.

Q. Is the land suitable for a home?—A. Yes, sir.

Q. Do you accept this land as your final allotment as a homestead in the Cherokee Nation?—A. I do.

Q. Have you made this selection in good faith in all respects?—A. Yes, sir.

This is formal notice to you, by the Commission, that the SW. ¼ and W. ½ of SE. ¼ of sec. 22, T. 22 N., R. 22 E., containing 240 acres, is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress, approved July 1, 1902, and that you will not be allowed this land until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined.

ROBERT D. BLACKSTONE.

Subscribed and sworn to before me this 5th day of January, A. D. 1903, at Vinita, Ind. T.

[SEAL.] SAMUEL FOREMAN, *Notary Public.*

VINITA, IND. T., *January 5, 1903.*

In the matter of the application of Milton K. Thompson to take an allotment in the Cherokee Nation for himself, accompanied by a proper description of the land applied for and a certificate showing that he has been listed for enrollment as a citizen of said nation.

MILTON K. THOMPSON, being first duly sworn by Samuel Foreman, notary public, testified as follows:

Examination by the COMMISSION:

Q. What is your name?—A. Milton K. Thompson.

Q. What is your post-office address?—A. Muskogee.

Q. Are you a citizen of the Cherokee Nation?—A. Yes, sir.

Q. For whom do you make application for allotment?—A. Myself in this application.

Q. Have you ever before this date made application for yourself to be enrolled as a citizen of any other Indian nation?—A. No.

Q. Have you ever before this date made application for yourself to file on any land in the Cherokee Nation or any other Indian nation?—A. No.

Q. Have you been out of the Indian Territory in the last five years?—A. Nothing, except for business and pleasure.

Q. Do you own a home in the Cherokee Nation?—A. Yes, sir.

Q. You now make application for the SW. ¼ of NE. ¼, and SE. ¼ of NE. ¼, and N. ½ of NW. ¼, and SE. ¼ of NW. ¼, and N. ½ of SW. ¼ of NW. ¼, and SE. ¼ of SW. ¼ of NW. ¼ of sec. 22, T. 22 N., R. 22 E., containing 230 acres, and valued at $155; is that correct?—A. That is correct.

Q. Are there any improvements on this land?—A. Yes.

Q. Where are they located?—A. It is just a fence and some parts of it cleared.

Q. Is there a house on it?—A. No.

Q. How many acres of this land are under cultivation?—A. About 25 acres.

Q. Is the improved land fenced?—A. There is a fence around the whole thing.

Q. Does anyone else claim this land or any part of it?—A. Not that I know of, except since I came here I learned that it is included in the Delaware segregation.

Q. Has anyone else improvements on it?—A. No.

Q. Have you been over and examined this land with a view to making this application for it?—A. Yes.

Q. Are there any churches, school-houses, or burial grounds on these lands?—A. No.

Q. Is the land suitable for a home?—A. Yes.

Q. Do you accept these lands in part as your final allotment in the Cherokee Nation?—A. Yes.

Q. Have you made this selection in good faith in all respects?—A. Yes, sir.

This is formal notice to you by the Commission that the SW. ¼ of NE. ¼ and SE. ¼ of NE. ¼ and N. ½ of NW. ¼ and SE. ¼ of NW. ¼ and N. ½ of SW. ¼ of NW. ¼ and SE. ¼ of SW. ¼ of NW. ¼ of sec. 22, T. 22 N., R. 22 E., containing 230 acres, is embraced in the segregation which has been made to the Delaware Indians who are members of the Cherokee Nation, under the provisions of section 23 of the act of Congress approved July 1, 1902, and that you will not be allowed this land until the suit of the Delaware Indians against the Cherokee Nation, now pending in the Court of Claims, has been determined.

MILTON K. THOMPSON.

Subscribed and sworn to before me this 5th day of January, A. D. 1903, at Vinita, Ind. T.

[SEAL.] SAMUEL FOREMAN, *Notary Public.*

EXHIBIT 15.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, Ind. T., December 12, 1903.

DEAR SIR: On my return from Muskogee I find your letter of the 7th instant, stating that in the list of lands handed by this office to Mr. Chase you notice that several parties thereon claim lands within what has heretofore been regarded as the Delaware segregation, said parties being represented by Thomas W. Triplett, and said

lands containing improvements bought by you, and being lands which you state you put into said segregation. You further say that you are informed that Triplett succeeded in having one or more fictitious names enrolled and in filing for these persons at the Land Office, and express the fear that some of the parties who are claiming Delaware segregated lands may be fictitious names used by Triplett for that purpose. You inclose a memorandum of lands which you say you have purchased from certain Cherokees who formerly owned improvements thereon, and which lands you say you have put into the Delaware segregation under conditions and expectations set forth in your letter.

You also say that you can send at any time copies of the bills of sale or the originals themselves of the foregoing lands if need be, and that you have some additional lands of which you have not yet prepared a memorandum. You also refer to having sent me a copy of Senate Document No. 16, and offer to assist the Commission in regard to segregating the Delaware lands.

In reply I have to say that the records of this office show that Thomas W. Triplett attempted to secure the fraudulent enrollment of quite a large number of persons, some 21 in number, but the frauds were detected by this office and none of the applications were ever granted, nor has he secured any land, as he evidently intended. These matters have been duly reported for criminal proceedings. The utmost care will be exercised to see that no fraudulent applications succeed.

As to the parties, some 300 in number, who have to date made claim that their occupied lands and homes have been, without their knowledge or consent, put into what has been call the Delaware segregation, such parties as commonly referred to are those who have made such complaint in person or in some instances in writing when information of the disposition of their lands has reached them, and none of them are of Delaware blood nor do they make any claims as Delawares, but care will be exercised to see that no improper representations of this character prevail.

After much labor in getting the material in our records in order, the Commission is now proceeding to determine the list of segregated Delaware lands. Inclosed find copy of a resolution passed by the Commission on the 10th, the day fixed for argument, showing upon what lines it is deemed necessary to make this segregation. As you see by the inclosed we consider ourselves required to include 160 acres per capita for living registered Delawares as the same may have been selected and occupied by them under the treaty of April 8, 1867, said 160 acres to contain, as far as may be, improvements of said living registered Delawares. We also conclude that we must put into the segregation land to the extent of 160 acres per capita, so far as the same may have been selected and occupied under the treaty by deceased registered Delawares, provided the same is now found to be in the possession of a descendant claimant of such deceased registered Delaware, said land to contain so far as may be the principal improvements of the deceased ancestor, and after that we consider that we are required to proceed directly to the unclaimed and unembarrassed portions of the public domain.

This view of the law appears to be at variance from the views of Mr. Logan and yourself. It is my desire, however, and I am sure the desire of the Commission, to protect your rights as well as the rights of all other parties in interest, fully and justly under the law as we interpret it.

You are welcome to appear at this office in person or by representative and to consider and make suggestions and representations in regard to every tract of land in any way connected with these proceedings. In renewing the offers of this office to extend to you every facility within its power, I must call attention, however, to the fact that this business is already greatly delayed and other interests immensely inconvenienced chiefly by reason of the nature and character of the list heretofore presented by yourself and Mr. Logan for segregation, that the preliminary work has continued since early in October, and now this office is directed to make final report to the Commission as soon as possible. It seems probable that there will be very few instances in which any difference of opinion can exist as to what class any tract of land comes under. If it is of an excluded class, that of course would settle the question, and as the classes to be included have been defined by the Commission, this should make your review of the segregation, with your knowledge of the lands you are particularly interested in, a very brief labor and one that you can readily complete before this office makes its report. I hope to report to the Commission within not exceeding ten days, and, as heretofore, all the data is open to your inspection.

Yours truly.

C. R. BRECKINRIDGE,
Commissioner in Charge Cherokee Land Office.

RICHARD C. ADAMS,
Bond Building, Washington, D. C.

EXHIBIT 16.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, Ind. T., December 15, 1903.

DEAR SIR: In carrying out instructions from the Secretary of the Interior relative to making the Delaware segregation, the Commission desired to ascertain what land, to the extent of 160 acres for each, has been selected and occupied by living registered Delawares.

You are identified upon the Commission's records as an applicant for enrollment as a Delaware citizen of the Cherokee Nation, and your name has been identified upon what is known as the Delaware register. You are, therefore, requested to furnish the Commission, on the inclosed blank form and plat, a description of the land selected and occupied by you, and which you desire to have embraced in the segregation, the land so indicated not to exceed 160 acres, and preferably should contain your improvements. The location and nature of your improvements should also be shown upon the inclosed form.

You are desired to furnish this information by return mail. The Commission is proceeding along other lines to obtain the data necessary to making the Delaware segregation, but it prefers to give you an opportunity to furnish this additional information before finally acting in your case. It can not, however, delay for your reply.

Respectfully,

C. R. BRECKINRIDGE,
Commissioner in Charge Cherokee Land Office.

RICHARD C. ADAMS,
Bond Building, Washington, D. C.

EXHIBIT 17.

DECEMBER 18, 1903.

DEAR SIR: I have your letter of December 12 inclosing the resolutions adopted by the Dawes Commission on December 10.

I respectfully submit—

1. That the Delawares are entitled under their agreement with the Cherokee to 157,600 acres of land of their own selection.

2. That your honorable Commission in making the segregation is required to segregate the lands which the Delawares themselves select, not lands which may be selected for them.

3. That the Delawares are entitled to the 157,600 acres of land already selected by them, unless under contest it shall be proved that as to some particular divisions of these lands they, for some reason, are not available to them.

4. That if your resolutions mean anything less than or different from this they are beyond the powers and functions of the Commission.

Very respectfully, yours, W. S. LOGAN.

HON. CLIFTON R. BRECKINRIDGE, *Tahlequah, Ind. T.*

NEW YORK, *December 18, 1903.*

MY DEAR MR. ADAMS: I have a letter from Breckinridge, of the Dawes Commission, inclosing the resolutions they adopted on December 10. I inclose copy of my reply.

Yours, very truly,

WALTER S. LOGAN.

RICHARD C. ADAMS, Esq.,
Bond Building, Washington, D. C.

EXHIBIT 18.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
December 22, 1903.

Argument of James K. Jones in the matter of the Delaware segregation.

I have been employed by the Delawares in their suits with the Cherokees as far as they affect the Government and am here now representing them in the matter of

the segregation of their land. When your letter came to Mr. Adams, marking out the plan you proposed to pursue in making the segregation again, I read them over carefully and they occurred to me as being right, exactly right, as far as they go; that there will be no objection to them at all, and I felt that there was no misapprehension of any danger to the Delawares by the further action of the Commission, but as there was nothing in the plan as outlined to indicate the course which might be pursued after these instructions had been carried out we thought it might be best to present the plan favored by the Delawares and talk the matter over face to face.

I stopped yesterday to present the matter to Major Breckinridge and it seemed, to my great surprise, that he seems to have an idea about it that is most unfair to the Delawares. Of course I have absolute confidence in each member of the Commission and what I say will be said in that light. I would like to ask, before I begin, whether there have been any other instructions given to the Commission other than those given through the Interior Department. If there are any other instructions and they are not private, I should be glad to see them.

Mr. BIXBY. I know of none.

Mr. JONES. The Interior Department advised Mr. Adams that he would be notified of any instructions given, but it occurred to me that it might have been overlooked.

Mr. BRECKINRIDGE. I will say, representing the Cherokee office, that there are no instructions of any character, so far as I know, except those which have been given Mr. Adams. Those are the Secretary's instructions to us, and we sent him a copy of the instructions from the Cherokee office.

Mr. JONES. I supposed that was the case. Now we propose to show—

First. All land occupied by living registered Delawares under the treaty of April 8, 1867, to the extent of 160 acres per capita, and said land to contain their improvements as far as practicable.

Second. All lands shown to have been improved by deceased registered Delawares under said treaty of April 8, 1867; all lands so selected and occupied, and which, if found now to be in the possession of the heirs of said deceased registered Delawares, such land to contain the improvements placed thereon by said deceased registered Delawares should be included in the reservation. I think if it were possible for the Commission to find that there were 160 acres of land for each deceased registered Delaware, that it would be an ideal segregation, and I have no objection, while I do not think that a necessary course to pursue, I have no objection that the Commission, as far as it can, follows the plan, and that 160 acres shall be segregated for each registered Delaware and for the descendants of each registered Delaware, but I want to say that we do not anywhere or at any time agree that any registered Delaware had any right to take 160 acres and hold it as his own; that every 160 acres taken by a registered Delaware or a descendant of a registered Delaware was taken in behalf of the Delaware Nation, and he has no individual right to it; he had a right to make his improvements on it and to hold it; a right to live there, but the Delawares had, under the treaties and laws, a right to segregate and allot the land as they saw fit. For this land, as we contend and have contended from the beginning, was a tract of 157,600 acres, which was ascertained by multiplying the number of registered Delawares by 160 acres each; that it was a tract that belonged to the Delaware Indians; that no Delaware has one solitary acre of it and has no right to a solitary acre of it. Now I know that there is a contention on the other side that the intention was to give each Delaware 160 acres of land. This question is pending before the Supreme Court, and the Commission can not accept this because the Supreme Court must decide that, this is right; and if so, no previous decision of the Commission, or of the Department, ought to deprive any Delaware of his right.

My contention is that every square foot of this land belongs to the Delaware Nation; that there has been no allotment of that land, and that there has been nothing done to allot this land. It still belongs to the Delawares as a body. That there are more Delawares now than when this treaty was made with the Cherokee. Now if my theory prevails no Delaware will get 160 acres, nor is that our theory. Our contention is that when this 157,600 acres has been bought and paid for that this land must be divided by this Commission among these Indians per capita, and if there are more than there were among the registered Delawares at the time the treaty was made that each Delaware will take less land than 160 acres.

Now, that point we raised in the case that is pending now before the Supreme Court, which was brought under the Curtis Act; we contended all the way through, contended in the brief, that this land belongs to the Delawares as a body, not to an individual Indian. Now, this is a question which the court has to decide, and I was very much surprised to find that Major Breckinridge seems to have an idea, and that the Commission seems to have an idea that individual Delawares acquired rights by taking the land, and the Supreme Court will have to settle this question when it determines whether we bought that land en bloc, or whether it belongs to the indi-

vidual Indians. That is a question which must be left open; it can not be decided by the Commission.

Your third proposition is to include sufficient land from the public domain to make up 157,600 acres.

I think that is right. Now, what are you going to take? I think, in addition to thsese two lists of lands which you propose to select, that the Delawares have a right to say where they would like to have this segregation made and that the Commission ought to respect the wishes of the Delawares, if there is no good and substantial reason why this should not be done.

To go back a step farther, I think this segregation has already been made, and according to law, and even admitted that the segregation must have been submitted for the approval of the Secretary of the Interior, I think that this has been done. Now, when you come to act again, what land will you take to make up the public domain?

Major Breckinridge seems to think that some of these lands to be selected under the first and second clauses and the remainder of the land so to be selected that you will take land other than that claimed by the Delawares; that you will absolutely exclude the land claimed by the Delawares and will exclude it as a part of the public domain.

Now, I believe that the land which is not contained in this segregation, and which is held by the Delawares, ought to be considered as public domain, and the difference ought to be made up out of that land if they prefer it. That seems to me so just and fair that I do not see how a man can hesitate a moment about it. These men have a right under the contract to take any part of the public domain, and when these first two lists have been selected and the deficiency comes to be made up it is the proper thing for the Commission to regard their requests and make up these lands out of the land owned by the Delawares. I believe that the Commission acted fairly in including these lands in its first segregation. The monstrous injustice of leaving out of the segregation lands upon which Delawares have improvements is apparent when you think for a moment. If the Supreme Court shall sustain the contention of the Delawares and shall hold that they bought and paid for 157,600 acres of land at a dollar an acre, it would be monstrously unjust for the Commission to leave these lands out of the segregation and make the segregation so as to compel them to take land which is flinty and covered with rocks and which would cost only 50 cents an acre, leaving out the lands upon which they have made improvements. This would be grossly unjust in your Commission to think that the land which is held by them is wholly a part of the public domain and could not as well be segregated now unless there is some reason why these people should not be allowed to take the lands which they have themselves improved.

The monstrous injustice of the other course is apparent. I know there is some apparent prejudice in the Interior Department against Mr. Adams. I don't mean to criticise the Secretary, but he said to me one day, "Of course, should this suit be decided favorably, they will take out the land Mr. Adams holds in his name." He now holds it and it belongs to the tribe, from which I infer that the Secretary of the Interior had the idea that the land which was held by Mr. Adams in his name was claimed by him as his individual property. He has never made that claim. He has paid money for the land upon which are improvements so that it could be made a part of the public domain, and will file a statement of this in writing, if you prefer it. Mr. Adams purchased these improvements after he became attorney for the Delawares, and he bought this land and paid for the improvements for the purpose of having the land included in the public domain of the segregation, and has himself advanced the money, trusting to his people to repay the money advanced out of his own pocket. There is no reason why he should not have done it, except personal ones. I would not have done it, had I been in his place, and taken the chances, even if the Delawares should win their suit. It is not reprehensible from any standpoint, and he has certainly done more than I think most men would have done.

This suit was begun under the section of the Curtis Act, with which you are familiar. The last act which was passed bearing on it, section 23 of the act of last year, is in the following words, and I will take the liberty of reading it in full to you gentlemen, because as to whether the course shall be pursued of refusing to include in this segregation the lands which are held and selected by the Delawares or whether it will be outside and take lands which the Delawares have never selected and give it to them anyway, is, I think, conclusively settled by this section:

"All Delaware Indians who are members of the Cherokee Nation shall take lands and share in the funds of the tribe as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation and now pending"—

when this act was passed this suit was already pending, as you gentlemen are already aware—"but if said suit be not determined before said Commission is ready to begin the allotment of lands to the tribe as herein provided, the Commission shall cause to be segregated 157,600 acres of land, including lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April 8, 1867." Now I think all of this land was selected in that way. This land was selected for the Delaware Indians as a tribe. It was taken possession of by individual Delawares, and the taking by an individual Delaware was a taking for the tribe, and if the holdings of these individuals amounted to 157,600 acres that would be the land which should be segregated subject to this suit. This selection does not relate, as I think, in any manner to a personal selection for the man's individual use.

Right here on this point, before I go on, I will read a portion of article 4 of the treaty between the Delawares and the Government of the United States of July 26, 1866:

"The said tract of country shall be set off with clearly and permanently marked boundaries by the United States, and also surveyed as public lands are surveyed, when the Delware council shall so request, when the same may, in whole or in part, be allotted by said council to each member of said tribe residing in said country, said allotment being subject to the approval of the Secretary of the Interior."

There, I think, was provision made by the treaty between the Delawares and the Government of the United States that the land should be held in a body, and should be subject to the action of the Delaware council to allot it when they saw fit to take that step and not before. The 157,600 acres was bought and paid for by Delaware funds and not by the money of individual Delawares. If the court holds that we are right, if it gives us a judgment, it will hold that the 157,600 acres belongs to the tribe and must be allotted in conformity with the machinery provided for the distribution of lands to individual members of the tribe, and each one will have his proportionate share of the 157,600 acres which he is entitled to according to the number of people there may be in the nation. Now I got off on this—I will read back (again referring to section 23 of the Cherokee agreement):

"But if said suit be not determined before said Commission is ready to begin the allotment of lands of the tribe as herein provided, the Commission shall cause to be segregated 157,000 acres of land, including lands which have been selected and occupied by Delawares, in conformity to the provisions of their agreement with the Cherokees dated April 8, 1867, such lands so to remain, subject to disposition according to such judgment as may be rendered in said cause."

Now, we contend that there is no question that that segregation in conformity with that agreement was a segregation of 157,600 acres of land to be held for the use and benefit of the tribe; that no one will get any separate provision until the Delaware council had made some provision for the allotment which has not been made to this hour.

"Such land so to remain, subject to disposition according to such judgment as may be rendered in said cause; and said Commission shall thereupon proceed to the allotment of the remaining lands of the tribe as aforesaid. Said Commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder. Nothing in this act shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April 8, 1867"—now mark this language—"shall impair the rights of either party to said contract." I take the liberty of reading that again. Now these are the parties, the Delawares on the one side and the Cherokees on the other—"as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April 8, 1867, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees, and said suit shall be advanced on the dockets of said courts and determined at the earliest time practicable."

Now, the point I am particularly trying to emphasize is that the Delawares bought 157,600 acres en bloc, and that we are entitled to 157,600 acres en bloc, and which is to be distributed among the Delawares in an equal quantity, and if Mr. Adams had 14,000 acres of land standing in his own name he would only get his proportionate share of the land and what each man got.

He bought this land after he became attorney for the Delawares, and because the Delawares did not hold a sufficient quantity of land to make up the 157,600 acres he bought this land to give the Delawares an opportunity to get the balance of their land. They could not get this land because it was improved, and he had to buy the

title so as to make this land a part of the public domain, and when it became a part of the public domain he claimed it as a part of the segregation, which means after you gentlemen had made the segregation. Now, your Commission recognized the necessity of that when you made this first segregation. Now, I want you to understand that I do not claim that this segregation was absolute, but it was right, and was made on the right line. If it appeared any way, if it could be shown anywhere, that that land was improperly included in that segregation, this Commission had a right to correct that segregation and strike it out. The Secretary, if he had a right to approve it at all, had a right to correct it. But your Commission, when it has said that this land was selected by individual Delawares, could not have the right to take that land out and arbitrarily designate some other.

The language of this act provides that you shall take land selected by individual Delawares. We claim that no acre of this land is selected as the property of an individual Delaware, and the case is now pending before the Supreme Court, and this Commission has not the power to determine that case different from the action of the Supreme Court, and this Commission has got to recognize that our utmost contention may be sustained by the Supreme Court. It is the question that we have before the Supreme Court of the United States, so the matter should be held open.

Under the provisions of this section my judgment is that you should take all lands which are claimed by registered Delawares until you make up this 157,600 acres, and if after this there is land remaining to the Delawares it will be your duty to take other land to make up the 157,600 acres. The Commission has no right, it would be a deprivation, it would not be just, to take the lands which the Delawares have selected and segregate land elsewhere. This thing seemed to me so perfectly fair that I did not believe that there was any necessity of coming down here to present the matter, and I hope that there is no question as to that being the case.

Now, in the brief which we have pending before the Supreme Court we contend that this land belongs to us en bloc:

"This question seems to be so completely settled by the decision of this court in The United States *v.* The New York Indians (173 U. S., 471), that any further discussion is quite out of place. In that case the court says:

"'The second article of the treaty indicates that the grant was made upon the basis of 320 acres for each inhabitant, the recital being "320 acres for each soul of said Indians, as their numbers are at present computed," but the grant was not of 320 acres for each soul, but of a tract of land en bloc.'

"How perfectly similar is this language to the language of the Delaware-Cherokee agreement of 1867. In the New York Indian case the language was '320 acres for each soul of said Indians.' In the case at bar the language is, 'a quantity of land * * * in the aggregate equal to 160 acres for each individual of the Delaware tribe,' the only difference being that the intent to sell a tract of land in a body is more clearly expressed in the Delaware agreement than in the case of the New York Indians, for in the former case the expression is 'a quantity of land, in the aggregate equal to 160 acres,' thereby showing that it did not intend 160 acres to each individual, but a quantity of land equal to it.

"Indeed, it may be said that this method of determining the quantity and extent of grants to Indian tribes and bands has been quite the rule in all of our transactions with the Indians, and that the uniform and uninterrupted construction by the departments of the Government, as well as by the courts, in cases where the questions have come before the courts, has been that such grants are grants to the tribe en bloc and not to the individual members thereof."

Some years ago the Delawares had about a million dollars in the Federal Treasury to their credit. The governor of the Delawares asked the Government to turn this money over to the Delawares. The Secretary of the Interior, in his caution, turned over half of this money and directed the Indian agent to ascertain how that money was expended, whether or not it was used in the improvement of their lands. The inference was that the Secretary instructed that this money should be used by them in the improvement of their farms. I have not been able to discover whether there were such direct instructions, but the Indian agent reported here that he asked every Indian about it, and each one showed that it had been used in improving their farms. There is no question about that. It was perfectly well known. Now, when that report was made to the Secretary, that this money had been expended in improving their lands, he gave them the other half, because he thought that was an evidence they had been acting in good faith. Suppose that some individual Delaware had gone and run his fence around 320 acres of land and had expended his money in improving it. Now, when you gentlemen come to make his allotment, he can take 160 acres of that, but the other 160 acres does not go in; that 160 acres will thereby become a part of the public domain. Then when you come to make up the defi-

ciency, the act of Congress says that you shall select the land which has been selected and occupied by Delawares. This man has spent his money in improving said land. The action of the Commission, if it includes that land in said segregation, would be to give the Delaware tribe the benefit of the money which had been spent on that land.

But if it arbitrarily rules that he is not entitled to that land, and because he had taken possession of more than 160 acres that would become a part of the public domain of the Cherokee Nation but would not be considered as eligible to make up the deficiency of the Delaware public domain, the consequence of that would be to confiscate the money which had been spent upon that land by the Delaware, and for what purpose? Some other man would get it. It would be taking the value and money which belonged to a Delaware, which had been paid to him by the Government, which had been used as the Government directed it should be used, you would arbitrarily take that land away and say that any other Cherokee could have it but that Delaware could not have it; that would be monstrously unjust and unfair. Now the land which Mr. Adams has taken and paid for, when a man spends his money there is no difference in the eye of the law whether he hires a man to plow and fence or whether he buys from some other man—it was written under the constitution and laws of the Cherokee Nation that the man who made the improvements was entitled to the land and that a man might buy another man's improvements, so that Mr. Adams buying this land is buying it for the purpose that it might become public domain, and it seems to me that it would be monstrously unjust to adopt this method and the man who spent the money be the one man who will not be allowed to take it. I take it the Commission will not and can not make such a ruling. It seems to me that the line marked out by the Commission in making this other segregation was the proper line to take; that the right to correct this segregation—all of these things—the Commission had the six months in order to correct it, up to the time final action was taken by the Supreme Court. This being the case it seems to me that the proper course to pursue now is to select the land which has been selected by the Delawares, and which they have spent their money in improving. How are you going to select land to make up the deficiency? Our contention being, more pointedly, that every selection was made in the interest of the Delaware Nation, and that none of these individuals have any right, except through the action of the Delaware council, to dispose of their improvements. They have no legal right to it and no power to assert it. But we believe that the Commission will see that justice is done and the rights of all parties protected.

One more point—and I have already made that—and I believe I am through what I wish to say. There is a suit now pending in which we claim that this segregation is already a segregation, and is complete. If this new segregation shall make practically the same segregation, of course there will be no occasion to force that suit because it does exactly the same thing; but if there should be a disposition, especially without sufficient reason, to make a different segregation, without the consent of the Delawares and against their interest, then of course we shall endeavor to the best of our ability to maintain the original segregation. But I think the reasons for making that segregation are just as operative now as when it was first made, and that the land upon which the Delawares have spent their money and which are parts of the public domain, except for the improvements made by them, should be included in said segregation. It would not be right, if there is a part of the public domain at 50 cents an acre and another part at 10 cents, it would not be right to ask you to select the 10-cent land. It seems to me the Dawes Commission would select the better land for them, unless there is some other reason. This question is all in the Supreme Court. Mr. Hutchings may not agree with me that that court is going to find in our favor—if it should find in our favor this Commission should not take any action, but if a step can be taken not unfavorable to the interests of the Delawares, that undoubtedly would be the wise step. This matter of taking the lands upon which Delawares have improvement in excess of the 160 acres does no harm except, perhaps, to a lot of cormorants, who stand around outside expecting to take it, and they are not entitled to consideration. There is no reason why it should be done; there is no justice, and I do not believe the Commission will do it. I believe these are my views. I think what I have said sufficient, showing to the Commission what I believe and the reasons why I believe it, and I believe that you will do the Delawares justice in this matter. I do not know whether Mr. Hutchings wishes to oppose it. I have presented it as fairly as I can.

Mr. HUTCHINGS. Nothing except some of the law you quote. You read the Delaware treaty, which has been utterly repudiated by the act of July 1, 1902.

Mr. JONES. There was nothing to repudiate it in that.

Mr. HUTCHINGS. Yes; it does. My position—these gentlemen understand it, and I have told you before. The position I occupy is merely for the protection of the

rights of the Cherokee Nation. All I am here for is to see that no land goes into that segregation that any Cherokee citizen other than a Delaware would have a right to select.

Mr. JONES. And my point in this case is that this land that is being claimed by the Delawares is public domain and open to settlement and selection if it is not occupied by Cherokees.

Mr. HUTCHINGS. Whatever these gentlemen want to do I have nothing to say.

Mr. JONES. And that this land should be included in the segregation, for the Delawares?

Mr. ADAMS. In case it is Cherokee land—that is the point. If it is Cherokee land your contention is right; if it is Delaware land my contention is right.

Mr. HUTCHINGS. I am like the darkey preacher; I don't have to "splain" the language away on my position. I think that the Senator is correct, and if they had let us alone and if they had let the Commission alone on the original segregation the matter would have been worked out and everybody would have had a chance who is entitled to it.

Mr. JONES. I think there was some mistake made in that and the suit was brought because the Delawares thought that the Cherokees were being allowed to file on lands included in the segregation with the idea that they would have a prior right to it in the event the suit was not decided in their favor. I don't believe the Commission intended any such action. There were some things in the action of the Commission which looked that way. I think that was a mistake, but if this land is going to be cut out and a lot of flint hills put in its place, it may be of the greatest importance to the Delawares that that suit was begun.

Mr. HUTCHINGS. The Cherokee citizens can not complain of anything in this segregation, provided they do not select anything which they have a right to.

Mr. JONES. And I think the Delawares have a right to select the land on which they have improvements rather than otherwise. I think the mistake has been that it has been maintained that the individual Delawares have a right against the Delaware tribe.

I am very much obliged to you, gentlemen.

Mr. BIXBY. We are very much obliged to you, Senator.

EXHIBIT 19.

MUSCOGEE, IND. T., *December 23, 1903.*

DEAR SIR: I understood you last night to say in my conversation with you that the position of the Commission is that no land held, occupied, or improved by any descendant of a registered Delaware shall be included under any circumstances in the Delaware segregation unless it was shown that such land had been occupied by a registered Delaware and was held by a complete chain of title, as to improvements, of course, from said original registered Delaware to the present holder.

I also understood you to say that it was the intention of the Commission, after ascertaining what lands had been taken possession of by original Delawares and continuously held, as indicated above, that all the remainder of the proposed segregation of 157,600 acres would be selected out of the public domain and include only such lands as were unimproved and unclaimed by any Cherokee, and that any lands held by any descendant of a registered Delaware which had not been originally taken up by a registered Delaware and continuously held as suggested above would be excluded from said segregation absolutely, and would become a part of the public domain, subject, as I infer, to occupation by Cherokee Indians, but not open to occupation by a Delaware—not even the man who has lived on it for years and improved it, unless it is claimed by him under his rights as a Cherokee; that no such land will in any event be included in the segregation.

Please let me know if in the above I understood you correctly, and if not wherein I misunderstood you, and what the exact position of the Commission is as to lands which are held and have been improved by Delaware Indians, descendants of registered Delawares, but which lands were never held, so far as the records of the Commission show, by an original registered Delaware.

I respectfully request an answer at your early convenience to the above.

Yours, truly,

JAMES K. JONES.

Hon. C. R. BRECKINRIDGE,
Commissioner in Charge.

MUSCOGEE, IND. T., *December 23, 1903.*

MY DEAR SIR: Mr. Adams authorizes me to say that he holds the lands standing in his name in the agreed list of lands submitted for segregation for his people, the registered Delawares and the descendants of registered Delawares, and not for himself; that in acquiring these lands for the benefit of his people he has expended his own money, and that he believes his people will, in the event of the establishment of their claim, reimburse him for all such expenditures, as well as for his risks and services in their behalf.

That for the purpose of inducing you to include these lands in the Delaware segregation for the benefit of his people, and subject to the action of the Supreme Court, he stands ready to, and hereby proposes to, convey all such lands in any way that you may suggest to any committee of Delaware Indians, to be selected by you or the Commission, to be held by them under the direction of your Commission for the sole benefit of the Delaware tribe of Indians.

If under these safeguards you are willing to allow his people to have the benefit of these lands, bought with his money for their use, by including them in the Delaware segregation, he will at once execute such conveyance as you may suggest to any parties named by you.

Please let me know your decision on this matter at your earliest convenience.

Yours, truly,

JAMES K. JONES.

Hon. C. R. BRECKINRIDGE,
Commissioner in Charge.

EXHIBIT 20.

WASHINGTON, D. C., *December 26, 1903.*

DEAR SIR: Inclosed I hand you copy of certain deeds and papers relating to the improvements I purchased on lands in the Cherokee Nation, which I desire to have segregated for the benefit of the Delaware Indians. Many of these papers are recorded in the records of improvements of the Illinois district. Such as are so recorded are so marked, and such as are not recorded I have the originals in my office. These copies are not certified copies, but they have been carefully compared. I can, if you desire, send the original papers to you at any time that you may require them.

In looking over the list of the 302 claimants of the Delaware segregated land I find that a large number were Delawares claiming their own land that was in the segregation. I also found that some of the land said to be in the segregation was not and some of the tracts were claimed by more than one Cherokee. I think when you come to examine this matter closely you will find that very few of the 302 can show reasons why the land should not be included in the segregation.

I am, yours, truly,

RICHARD C. ADAMS.

C. R. BRECKINRIDGE,
Commissioner in Charge Cherokee Land Office, Tahlequah, Ind. T.

Bill of sale.

CLAREMORE, IND. T., *April 16, 1894.*

Know all men by these presents, that we, D. J. Matthews and wife, Addie Matthews, have this day traded or exchanged our prairie farm or improvement, located 3 miles northwest of Oolagah, Ind. T., Cooweescoowee district, Cherokee Nation, one box house and twenty acres of broke land, and one hundred fence with post and 3 wires, to Thomas W. Reaves for his farm or improvement located on the north side of the San Francisco Railway, and adjoining the improvement of George W. Sant, near the Verdigris River and on the road leading to the Woffard ferry. Said improvement has one log and box house and four acres in cultivation. We agree with the said Thomas W. Reaves to defend the title to said improvement hereby given or exchanged for against any and all persons claiming title to the same.

Given under our names this the above day and date.

D. J. MATTHEWS.
ADDIE MATTHEWS.

Attest:
JOHN M. TAYLOR, Jr.
JONATHAN WILCOX.

CHEROKEE NATION, *Illinois District.*

To whom it may concern:

This is to certify that I have this day, for and in consideration of two hundred dollars in hand paid, sold and conveyed to R. C. Adams and Henry C. Meigs all my right, title, and interest to the within described improvements mentioned in this bill of sale or exchange.

This the 7th day of May, A. D. 1894.

THOS. W. REAVES.

J. C. BIRD.

CHEROKEE NATION, *Illinois District.*

To whom it may concern:

This is to certify that I have this day, for and in consideration of two hundred and sixty dollars in hand paid, sold, and conveyed to Annie S. Meigs all my right, title, and interest to the within described improvements (together with what other improvements have been placed thereon) mentioned in this bill of sale or exchange.

This the 20th day of August, A. D. 1894.

R. C. ADAMS.

MAUDE MEIGS.

FORT GIBSON, IND. T., ILLINOIS DISTRICT,
Cherokee Nation, Ind. T.

Know all men by these presents, that I, Walter Scott, a citizen of the Cherokee Nation, for and in consideration of the sum of three hundred dollars (300) the receipt of which is hereby acknowledged, do this day bargain, sell, and by these presents convey and deliver to R. C. Adams, a citizen of the Cherokee Nation, all right, title, and interest in and unto a certain tract of land lying on the south side of the Tahlequah and Fort Gibson road that runs by the national cemetery, consisting of about 38 or more acres, and is bounded as follows: On the north by the said Tahlequah and Fort Gibson road, on the east by land belonging to James Alexander, on the south by line running from corner of said James Alexander's field in the line with fence of field belonging to said Walter Scott, and thence to wire fence near cemetery, and on the west by the piece of land occupied by one West and belonging to Walter Scott; to have and to hold, all and singular, the said tract of land and improvements hereby conveyed, with all the rights and privileges and appurtenances thereto belonging or in any wise appertaining unto the said R. C. Adams, his heirs and assigns forever, the title to which I hereby guarantee and agree to defend against any and all claimants whatsoever.

In witness whereof I have hereunto subscribed my name and affixed my seal this the 23d day of January, 1897.

[SEAL.] WALTER SCOTT.

WM. CLARK, *Witness.*
HENRY C. MEIGS, *Witness.*

Bill of sale. Walter S. Scott to Richard C. Adams. 11/27/96. Recorded on Book A, record of improvements, pages 141 and 142, Dec. 24, 1896. T. Jay Thornton, Dep. Clk., I. D., C. N.

Warranty deed.

Know all men by these presents that I, D. W. Rogers, a citizen of the Cherokee Nation, for and in consideration of the sum of three hundred and fifty dollars ($350) to me in hand paid by Richard C. Adams, a Delaware Indian and a citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do hereby grant, bargain, sell, and convey and by these presents deliver to the said Richard C. Adams, his heirs and assigns forever, the following lands situated on the head of Spencer Creek in the Indian Territory, Cooweescoowee district, Cherokee Nation, to wit:

The SE. ¼ of sec. 27 and the south half of the NE. ¼ sec. 27, all in township 24, range 17, 240 acres, more or less, all in towship 24 north, range 17 east.

To have and to hold the same unto the said Richard C. Adams and unto his heirs and assigns forever, together with all improvements thereon and rights, privileges, and immunities thereto appertaining.

And I do hereby covenant with the said Richard C. Adams that I will forever warrant and defend the title to said lands against all claims whatsoever.

And I, Ruth Rogers, wife of said D. W. Rogers, for and in consideration of the said sum of money and for divers good and valuable consideration, do hereby release and relinquish unto the said Richard C. Adams, his heirs and assigns, all my right of dower and homestead in and to said land.

In witness whereof we have hereunto set our hands and seals this 14th day of Aug., 1899, at Chelsea, Ind. T., in the presence of H. M. Adams and C. L. Lane, witnesses hereto.

D. W. (his x mark) Rogers.
Ruth Rogers.

Witnesses:
H. M. Adams.
C. L. Lane.

Chelsea, Ind. T., *Northern District, ss:*

Be it remembered that on this day came before the undersigned, a notary public within and for the northern district aforesaid, duly commissioned and acting a notary public, ——— ———, to me well known as one of the grantors in the foregoing deed, and acknowledged that he had executed the same for the consideration and purposes therein mentioned and set forth.

And on the same day also appeared before me the said Ruth Rogers, wife of the said D. W. Rogers, to me well known, and in the absence of her husband declared that she had, of her own free will, signed and sealed the relinquishment of dower and homestead rights in the foregoing deed, for the consideration and purposes therein mentioned and set forth, without compulsion or undue influence of her said husband.

Witness my hand and seal as such notary public, this 14th day of August, 1899.

[seal.] David G. Elliott,
Notary Public in and for North District, Ind. Ter.

(My commission expires April 11, 1903.)

Warranty deed.

Know all men by these presents that I, John Hildebrand, a citizen of the Cherokee Nation, for and in consideration of the sum of two hundred and twenty-five dollars ($225) to me in hand paid by Richard C. Adams, a Delaware Indian and citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do hereby grant, bargain, sell, and convey and by these presents deliver to the said Richard C. Adams, his heirs and assigns forever, the following lands situated near the town of Chelsea, in the Indian Territory, Cooweescoowee district, Cherokee Nation, to wit:

The NE. ¼ of section 35, township 24 N., range 17 E; the NW. 40 of the SE. ¼ sect. 35, township 24 N., range 17 E., containing 200 acres more or less, all in township 24 N., range 17 E.

To have and to hold the same unto the said Richard C. Adams and unto his heirs and assigns forever, together with all improvements thereon and rights, privileges, and immunities thereto appertaining.

And I do hereby covenant with the said Richard C. Adams that I will forever warrant and defend the title to said lands against all claims whatsoever.

And I, Ellen Hildebrand, wife of said John Hildebrand, a member of the Osage tribe of Indians and a citizen of said tribe, for and in consideration of the said sum of money and for divers good and valuable considerations, do hereby release and relinquish unto the said Richard C. Adams, his heirs and assigns, all my right of dower and homestead in and to said land.

In witness whereof we have hereunto set our hands and seals this 17th day of August, 1899, at Chelsea, Ind. T., in the presence of H. M. Adams and H. H. Carlin, witnesses hereto.

John Hildebrand

Witnesses:
H. M. Adams.
H. H. Carlin.

Be it remembered that on this day came before the undersigned, a notary public within and for the northern district aforesaid, duly commissioned and acting, John Hildebrand, to me well known as one of the grantors in the foregoing deed, and acknowledged that he had executed the same for the consideration and purposes therein mentioned and set forth.

And on the same day also appeared before me the said ——— ———, wife of the said John Hildebrand, to me well known, and, in the absence of her husband, declared that she had, of her own free will, signed and sealed the relinquishment of dower and homestead rights in the foregoing deed for the consideration and purposes therein mentioned and set forth, without compulsion or undue influence of her said husband.

Witness my hand and seal as such notary public this 16th day of August, 1899.

[SEAL.] DAVID G. ELLIOTT,
Notary Public in and for the Northern District.

(My com. expires April 11, 1903.)

Warranty deed.

Know all men by these presents, that I, H. H. Byrd, jr., a citizen of the Cherokee Nation, for and in consideration of the sum of two hundred and twenty-five dollars ($225), to me in hand paid by Richard C. Adams, a Delaware Indian and a citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do hereby grant, bargain, and sell and convey and by these presents deliver to the said Richard C. Adams, his heirs and assigns forever, the following lands, situated on the south side of Spencer Creek, in the Indian Territory, Cooweescoowee district, Cherokee Nation, to wit: SE. ¼ of sec. 32, township 24 N., range 17 E., 160 acres, more or less, all in township 24 N., range 17 E.

To have and to hold the same unto the said Richard C. Adams and unto his heirs and assigns forever, together with all improvements thereon and rights, privileges, and immunities thereto appertaining.

And I do hereby covenant with the said Richard C. Adams that I will forever warrant and defend the title to said lands against all claims whatsoever.

In witness whereof I have hereunto set my hand and seal this 21st day of Aug., 1899, at Chelsea, Ind. T., in the presence of H. M. Adams and Ed. Byrd, witnesses hereto.

H. H. BYRD.

Witnesses:
H. M. ADAMS.
ED. BYRD.

CHELSEA, IND. T., *Northern District, ss:*

Be it remembered that on this day came before the undersigned, a notary public within and for the northern district aforesaid, duly commissioned and acting, Henry H. Byrd, jr., to me well known as one of the grantors in the foregoing deed, and acknowledged that he had executed the same for the consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such notary public this 21st day of August, 1899.

[SEAL.] EDWARD H. BYRD,
Notary Public in and for Northern District Indian Territory.

(My commission expires Feby. 27th, 1900.)

FORT GIBSON, ILLINOIS DISTRICT,
Cherokee Nation, Ind. T.:

Know all men by these presents, that we, James R. Fuller and Rosa L. Fuller, citizens of the Cherokee Nation, for and in consideration of the sum of $1 to us in hand paid, agree to give to R. C. Adams the option of buying the farm belonging to us, consisting of about 280 acres as described hereafter and bounded as follows: On the south side by Tahlequah and Fort Gibson road to the tract of land owned by R. C. Adams running north to the Corrall Branch, thence east along said Corrall Branch to Bill Davis's field, thence north, bounded on the east by Bill Davis's and Frenchy Miller's to the section line, thence running west along section line to Cor-

rall Branch and following the meanderings of said Corrall Branch to a point due north of the orchard fence, and from thence following said orchard fence south to point of beginning, for and in consideration of the sum of $2,500 to be paid to us cash in hand within thirty days, and not longer than sixty days, at which time we agree to give bill of sale of the above-described tract of land, on fulfillment of the payment of above-named sum by R. C. Adams.

In witness whereof we have hereunto set our hands and affixed our seals this 21st day of December, 1896.

J. S. FULLER. [SEAL.]
ROSA L. FULLER. [SEAL.]

WM. CLARK, *Witness.*

[Revenue stamps, 50 cents.]

Warranty deed.

Know all men by these presents, that I, Harve Bacon, a citizen of the Cherokee Nation, for and in consideration of the sum of $200 to me in hand paid by Richard C. Adams, a Delaware Indian and citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do hereby grant, bargain, sell, and convey, and by these presents deliver, to the said Richard C. Adams, his heirs and assigns forever, the following lands, situated on the west side of Lightning Creek, in the Indian Territory, Cooweescoowee district, Cherokee Nation, to wit:

80 acres of the E. ½ of SE. ¼ sec. 26, and 80 acres of the E. ½ of NE. ¼ sec. 35, all in township 25, range 16 east.

To have and to hold the same unto the said Richard C. Adams and unto his heirs and assigns forever, together with all improvements thereon and rights, privileges, and immunities thereto appertaining.

And I do hereby covenant with the said Richard C. Adams that I will forever warrant and defend the title to said lands against all claims whatsoever. And I, Lucy Bacon, wife of the said Harve Bacon, for and in consideration of the said sum of money, and for divers good and valuable considerations, do hereby release and relinquish unto the said Richard C. Adams, his heirs and assigns, all my right of dower and homestead in and to said land.

In witness whereof we have hereunto set our hands and seals this 31st day of October, 1899, at Chelsea, Ind. T., in the presence of H. M. Adams and D. G. Elliot, witnesses hereto.

HARVE BACON.
LUCY BACON.

Witnesses:
H. M. ADAMS.
D. E. ELLIOT.

CHELSEA, IND. T., *Northern District, ss.:*

Be it remembered that on this day came before the undersigned, a notary public within and for the district aforesaid, and duly commissioned and acting, Lucy Bacon, to me well known as one of the grantors in the consideration and purposes therein mentioned and set forth, without compulsion or undue influence of her said husband.

Witness my hand and seal as such notary public this 31st day of October, 1899.

[SEAL.] DAVID G. ELLIOT,
Notary Public in and for the Northern District.

(My commission expires April 11, 1903.)

Warranty deed.

Know all men by these presents, that I, William Dale, a citizen of the Cherokee Nation, for and in consideration of the sum of $600, to me in hand paid by Richard C. Adams, a Delaware Indian and a citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do hereby grant, bargain, sell, and convey, and by these presents deliver to the said Richard C. Adams, his heirs and assigns forever, the following lands situated on the north side of Spencer Creek, in the Indian Territory, Cooweescoowee district, Cherokee Nation, to wit:

The north ½ of sec. 18, township 24, range 17, all in township 24, range 17.

To have and to hold the same unto the said Richard C. Adams and unto his heirs and assigns forever, together with all improvements thereon and rights, privileges, and immunities thereto appertaining.

And I do hereby covenant with the said Richard C. Adams that I will forever warrant and defend the title to said lands against all claims whatsoever, and I, ——— ———, wife of the said ——— ———, for and in consideration of the said sum of money and for divers good and valuable considerations, do hereby release and relinquish unto the said Richard C. Adams, his heirs and assigns, all my right to dower and homestead in and to said land.

In witness whereof we have hereunto set our hands and seals this 28th day of Oct., 1899, at Chelsea, Ind. T., in the presence of H. M. Adams and J. E. Cochran, witnesses hereto.

WILLIAM DALE.

Witnesses:
H. M. ADAMS.
J. E. COCHRAN.

CHELSEA, IND. T., *Northern District, ss.:*

Be it remembered, that on this day came before the undersigned notary public, within and for the district aforesaid, duly commissioned and acting, William Dale, to me well known as one of the grantors in the foregoing deed, and acknowledged that he had executed the same for the consideration and purposes therein mentioned and set forth.

And on the same day also appeared before me the said ——— ———, wife of the said ——— ———, to me well known, and, in the absence of her said husband, declared that she had of her own free will signed and sealed the relinquishment of dower and homestead rights in the foregoing deed for the consideration and purposes therein mentioned and set forth, without compulsion or undue influence of her said husband.

Witness my hand and seal as such notary public this 28th day of October, 1899.

DAVID G. ELLIOT,
Notary Public in and for the Northern District.

(My commission expires April 11, 1903.)

Said William Dale is to retain all of the growing wheat now on the said land, which is about ten acres, more or less.

——— ———.

———

Bill of sale.

CHELSEA, IND. T., *January 27, 1900.*

Know all men by these presents, that I, John Scruggs, guardian of Lincoln Scruggs, a minor, single and unmarried, and a citizen of the Cherokee Nation, for and in consideration of the sum of $200, to me in hand paid by Richard C. Adams, a Delaware Indian and a citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do this day bargain, sell, and by these presents deliver to the said Richard C. Adams, 320 acres of land and all the improvements thereon, situated on the north side of Spencer Creek, in township 24, range 17, being the SE. ¼ of S. 21, T. 24, R. 17, and the S. ½ of NE. ¼ S. 21, T. 24, R. 17, and S. ½ NW. ¼ S. 21, T. 24, R. 17, reserving, however, all claim I as guardian may have in any allotment thereto to all Cherokee citizens. To have and to hold the same, together with all the improvements thereon, rights, and immunities appertaining thereto, and I hereby agree to warrant and defend the title to the said 240 acres of land to Richard C. Adams, his heirs or assigns, against any and all claimants whomsoever.

In witness whereof I hereunto affix my hand and seal this 27th day of January, 1900, in the presence of witness, as hereto attached.

JOHN SCRUGGS,
Guardian of Lincoln Scruggs, a Minor.

Witness:
JOHN D. SCOTT.
Witness:
G. W. WALLER.

UNITED STATES OF AMERICA,
Indian Territory, Northern District.

On this 27th day of January, 1900, before me, John D. Scott, a notary public within and for the said district and Territory, appeared, in person, John Scruggs, guardian, as aforesaid, to me personally well known as the person whose name appears upon the within and foregoing bill of sale of conveyance, as the party, grantor, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth, and I do hereby so certify.

In testimony whereof I have hereunto set my hand as notary public within and for the northern district of the Indian Territory, on this the 27th day of January, 1900.

[SEAL.] JOHN D. SCOTT, *Notary Public.*

(My commission expires May, 15, 1900.)

CHELSEA, IND. T.

Know all men by these presents that I, Geo. Waller, do approve of the trade between R. C. Adams and John Scruggs, and relinquish all my claim to the right I have on the S. ½ of NW. ¼ of S. 21, T. 24, R. 17.

JAN. 26, 1900. G. W. WALLER.

NOTE.—The following-described tract of land was purchased from all claimants. The total amount of compensation paid was 1 span of mules, valued at $300, and $155 in money. (Copy of letter from H. M. Adams.)

CHELSEA, I. T., *2, 7, 1900.*

RICHARD.

DEAR BROTHER: I enclose you another bill of sale of the same piece of land I bought for you from John Scruggs, which will fix it all right, I believe; I will try to explain to you.

When John Scruggs was in penitentiary his wife got the place and stock that belonged to them, then sold the place to Andy Norwood, and Norwood sold it to or contracted it to Geo. Parker, so when Scruggs came back he sold it to or contracted it to Geo. Walker. Scruggs got a man on it and Parker was suing for possession, so now I have bought off both parties and have a bill of sale from both and have paid all but $47.50 on the place; my note on the bank will be due in about 5 weeks for the money, so I draw on you, 30 days sight, for the amt. you told me to draw, $155, the amt. that was due me for balance on place. I don't believe there ever can be any trouble about it now, as Geo. Parker had a perfect right to transfer the bill of sale and Scruggs has given up all his right to it.

Your brother, H. ADAMS.

Letter from Geo. Parker.

CHELSEA, IND. T., *Jan. 15, 1898.*

MR. NELCE PACE:

I want peaceable possession of the place you are now on in thirty days.

GEORGE PARKER.

Letter from A. H. Norwood.

CLAREMORE, IND. T., *Aug. 19, 1897.*

GEORGE PARKER.

SIR: Yours to hand and notice. After I got your first, I went and saw Mr. Pace and he is fixing to get off and don't claim anything, so I gave myself no more trouble about the matter.

Yours, &c., A. H. NORWOOD.

CLAREMORE, IND. T., *May 31, 1897.*

GEORGE PARKER, *Chelsea, Ind. T.:*

Yours to hand and noted, and will say that John Scruggs has no interest in that place and Pace has no lease, nor did he rent it, and if Pace don't give up I will have to take some steps to take possession.

Yours, truly,

A. H. NORWOOD.

Execution for possession of property.

CHEROKEE NATION, *Coowee Scoowee District.*

To any lawful officer, greeting:

You are hereby commanded to take possession of the following-described property, to wit:

And improvement four miles west of Chelsea, in said district, consisting of log house with box room and about twenty-five acres of inclosed land, three head of horses, one cow and yearling, in possession of Geo. Scruggs, ——— ——— now in possession of ——— ———, and place the same in possession of Laura Scruggs, which will be in accordance with a decision of the circuit court, rendered in a suit wherein the said Laura Scruggs was plaintiff and the said John Scruggs was defendant.

Herein fail not to execute and return as required by law.

Given from under my hand and seal of office, this 13th day of June, 1896.

JOE M. LA HAY,
Clerk Dist., C. N.

Execution of possession of property. Laura Scruggs *v.* John Scruggs.

Bill of sale to R. C. Adams.

[Revenue stamp, 25 cents.]

FEB. 7, 1900.

Know all men by these presents, that I, Geo. Parker, for and in consideration of $48 in hand paid by R. C. Adams, of Washington, D. C., do this day transfer all my right, title, and interest to the within-described property to R. C. Adams, located on the following-described meets and boundaries: S. ½ NE. ¼ of S. 21, S. ½ of NW. ¼ of S. 21, and the SE. ¼ of S. 21, all in T. 24, R. 17.

GEO. PARKER.

Witness:
WM. ADAMS.

Bill of sale.

CHELSEA, IND. T., *May 18, 1897.*

Know all men by these presents, that in consideration of the sum of sixty-eight dollars, the receipt of which is hereby acknowledged, I, A. H. Norwood, do by these presents bargain, sell, and convey to George Parker all right, title, and interest in and to an improvement situated four miles west of Chelsea, Cooweescoowee district, Cherokee Nation, and known as the John Scruggs place, and consisting of one log house with end room, smokehouse, stables, to have and to hold, all and singular, to the said George Parker, his heirs and assigns, forever; and I, the said A. H. Norwood, do covenant with the said George Parker that I have a good right to sell the same and do hereby guarantee the title to said property against the lawful demands of all persons whomsoever.

In testimony whereof I have hereunto set my hand and signed this the 19th day of May, 1897.

A. H. NORWOOD.

FORT GIBSON,
Cherokee Nation, Ind. T., June 18th, 1897.

Know all men by these presents, that we, William P. Ross and Edward G. Ross, citizens of the Cherokee Nation, do hereby bargain, sell, and by these presents deliver to R. C. Adams, a registered Delaware Indian and a citizen of the Cherokee Nation, our fourth interest or one-half of what we yet have in and unto our claims in township 16, range 20, section 29, being the southwest and northwest quarter sections in said section 29 (we having sold, on April 2, 1897, one-half interest in said claims to R. C. Adams), for and in the consideration of the sum of two hundred dollars ($200), cash in hand paid, the receipt of which is hereby acknowledged, we hereby bind ourselves, heirs, and administrators to this contract, and agree to warrant and defend title to said claim against any and all claimants whomsoever.

(NOTE OF EXPLANATION.—In the above-named three hundred and twenty acres of land it is understood that R. C. Adams is to hold two hundred and forty acres and William P. Ross and Edward G. Ross eighty acres undivided interest, and that the interest in the development of any mineral, porcelain or otherwise, after expenses shall have been paid, shall be divided in likewise proportion, or as three is to one, R. C. Adams to receive three-fourths and the Ross brothers one fourth.)

Signed in the presence of the following witnesses:

WM. P. ROSS.
E. G. ROSS.

Witnesses:
FRED E. TURNER.

Recorded on page 154, "record of improvements," July 16, 1897.
T. JAY THORNTON, *De. Clk. I. D., C. N.*

Bill of sale. H. C. Meigs to R. C. Adams. 1/23/97. Recorded in office of Illinois district clerk, record of improvements, page 147. January 23, 1897. T. Jay Thornton, Dep. Clk.

FORT GIBSON, ILLINOIS DISTRICT,
Cherokee Nation, Ind. T.

Know all men by these presents, that I, H. C. Meigs, a citizen of the Cherokee Nation, for and in consideration of the sum of $500 (five hundred dollars), the receipt of which is hereby acknowledged, do this day bargain, sell, and by these presents convey and deliver to R. C. Adams, a citizen of the Cherokee Nation, all my right, title, and interest in and unto a certain tract of land known as my pasture, lying in township 16, range 20 E., sec. 30, also the claim that I bought from Polly Andrews, on "Bald Knob" hill, in section 30 and 31, range 20, township 16, together with all the lawful limits thereto belonging, consisting of about 500 or more acres, to have and to hold, all and singular, the said tract of land and improvements hereby conveyed, with all the rights and privileges and appurtenances thereto belonging, or in anywise appertaining, unto the said Richard C. Adams, his heirs and assigns, forever, the title to which I hereby guarantee and agree to defend against any and all claimants whatsoever.

In witness whereof I have hereunto set my hand and affixed my seal this the 23d day of January, 1897.

[SEAL.] H. C. MEIGS.

WM. CLARK, *Witness.*

Bill of sale.

FORT GIBSON, ILLINOIS DISTRICT,
Cherokee Nation, Ind. T.

Know all men by these presents, that I, William Hendricks, and Mrs. Hendricks, citizens of the Cherokee Nation, for and in the consideration of the sum of five hundred dollars ($500), the receipt of which is hereby acknowledged, do this day bargain, sell, and by these presents convey and deliver to R. C. Adams, a Delaware Indian and citizen of the Cherokee Nation, all our rights, titles, and interest in and unto a certain tract of land lying on the north side of the Tahlequah and Fort Gibson road that runs by the national cemetery, consisting of about two hundred acres, and was formerly purchased by us from William P. Ross, and is located in township 15 north, range 20 east, section 6, T. 16 N., R. 20 east, section 31, the said land being

in cultivation, having a good fence and other improvements. To have and to hold all and singular the said tract of land and improvements hereby conveyed with all the rights and privileges and appurtenances thereto belonging, or in anywise appertaining, unto the said R. C. Adams, his heirs and assigns, forever. The title to which I hereby guarantee, and agree to defend against all claims whomsoever.

In witness whereof I have hereunto subscribed my name and affixed my seal this tenth day of July, 1897.

W. H. Hendricks. [seal.]
Ann Eliza Hendricks. [seal.]

William Owen, *Witness.*
William Owen, *Witness.*

Recorded on page 152, "Record of improvements," Illinois dist., Cherokee Nation, this July 15, 1897.
[seal.] T. Jay Thornton, *Dep. Clk. I. D. C. N.*

Fort Gibson, Ind. T.,
Illinois District, Cherokee Nation.

Know all men by these presents, that I, William P. Ross and Maud W. Ross and Ed. Ross, citizens of the Cherokee Nation, for and in the consideration of the sum of one thousand dollars ($1,000), the receipt of which is hereby acknowledged, do this day bargain, sell, and by these presents convey and deliver to R. C. Adams, a Delaware Indian and citizen of the Cherokee Nation, all our rights, title, and interests in and unto a certain tract of land lying on the north side of the Tahlequah and Fort Gibson road that runs by the national cemetery, consisting of about fifty acres, and is located in township 15 north, range 20 east, section 6, and township 16 north, range 20 east, section 31.

Also our remaining one-fourth interest in and unto our claims in township 16, section 29, being the southwest and northwest quarter sections in said sections 29, consisting of 80 acres. The said land having improvements, fence, good well of water, garden, three-room house, and other improvements.

To have and to hold all and singular, the said tract of land and improvements hereby conveyed with all the rights, and privileges, and appurtenances thereto belonging, or in anywise appertaining, unto the said R. C. Adams, his heirs and assignees forever. The title to which I hereby guarantee and agree to defend against all claims whomsoever.

In witness whereof I have hereunto subscribed my name and affixed my seal this 24th day of July, 1897.

(Signed) Wm. P. Ross. [seal.]
(Signed) M. W. Ross. [seal.]
(Signed) E. G. Ross. [seal.]

(Signed) F. H. Nash, *Witness.*
(Signed) W. D. L. Dowell, *Witness.*

Know all men by these presents, that I, C. A. Robison, a citizen of the Cherokee Nation, for and in consideration of the sum of seven hundred and fifty dollars ($750) to me in hand paid by Richard C. Adams, a Delaware Indian and a citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do hereby grant, bargain, sell, and convey, and by these presents deliver to the said Richard C. Adams, his heirs and assigns forever, the following lands situated on the south side of Spencer Creek, in the Indian Territory, Cooweescoowee district, Cherokee Nation, to-wit:

West ½ of northwest ¼ of section 3, and east half of section 4, all in township 23, range 17.

To have and to hold the same unto the said Richard C. Adams, and unto his heirs and assigns forever, together with all improvements thereon, and rights, privileges, and immunities thereto appertaining.

And I do hereby covenant with the said Richard C. Adams that I will forever warrant and defend the title to said lands against all claims whatsoever.

And I, Manurvy Robison, wife of said C. A. Robison, for and in consideration of the said sum of money and for divers good and valuable consideration, do hereby

release and relinquish unto the said Richard C. Adams, his heirs and assigns, all my right of dower and homestead in and to said land.

In witness whereof, we have hereunto set our hands and seals this fifteenth day of September, 1899, at Chelsea, Ind. T.

In the presence of H. M. Adams and Ed Byrd, witnesses hereto.

C. A. Robison.
Manurvy (her x mark) Robison.

Witnesses:
H. M. Adams.
Ed Byrd.

Chelsea, Ind. T., *Northern Dist., ss:*

Be it remembered, that on this day came before the undersigned, a notary public within and for the district aforesaid, duly commissioned and acting, C. A. Robison, to me well known as one of the grantors in the foregoing deed, and acknowledged that he had executed the same for the consideration and purposes therein mentioned and set forth.

And on the same day also appeared before me the said Manurvy Robison, wife of the said C. A. Robison, to me well known, and in the absence of her husband, declared that she had, of her own free will, signed and sealed the relinquishment of dower and homestead rights in the foregoing paper for the consideration and purposes therein mentioned and set forth, without compulsion or undue influence of her said husband.

Witness my hand and seal as such notary public, this fifteenth day of September, 1899.

[seal.] Edward Byrd,
Notary Public in and for Northern Dist., I. T.

(My commission expires Feb. 27th, 1900.)

Fort Gibson, Illinois District,
Cherokee Nation, Ind. T.

Know all men by these presents, that I, Walter S. Scott, a citizen of the Cherokee Nation, for and in consideration of the sum of fifty dollars ($50), the receipt of which is hereby acknowledged, do this day bargain, sell, and by these presents deliver to R. C. Adams, a citizen of the Cherokee Nation, all my right, title, and interest in and unto between twenty and twenty-five acres of land on the north side of the Fort Gibson and Tahlequah road, and bounded on the south by the Tahlequah and Fort Gibson road that runs by the national cemetery, on the west by Dr. Fuller's line, on the north by Dr. Fuller's farm and the Corrall Branch, on the east by Johnson Thompson's land formerly bought from W. P. Ross, junior, to have and to hold, all and singular, the said tract of land and improvements hereby conveyed with all the rights and privileges and appurtenances thereto belonging or in any wise appertaining unto the said R. C. Adams, his heirs and assigns forever, the title to which I hereby guarantee and agree to defend from any and all claimants whatsoever.

In witness whereof, I have hereunto subscribed my name and affixed my seal this the 27th day of November, 1896.

[seal.] Walter Scott.

Wm. P. Ross, *Witness.*
S. A. Ross, *Witness.*

Ft. Gibson, Ind. T., *Dec. 24, 1896.*

Received of R. C: Adams ten dollars ($10) in full payment for all land I lose by changing the road from the U. S. cemetery to town.

(Signed) C. E. Willey.

Fort Gibson, C. N., *Feby. 4th, 1895.*

Know all men by these presents, that for and in consideration of the sum of forty dollars ($40) in hand paid, I this day bargain, and by these presents do convey unto Walter Scott a certain claim or improvement adjoining the place of Dr. J. S. Fuller

on the north and adjoining my farm on the south and fronting on Tahlequah road and running back to branch and consisting of twenty-four acres. The same belonging to claim originally made by myself. I do hereby guarantee title of same.

(Signed) WM. P. ROSS.

Witness:
R. M. WALKER.

Transferred to R. C. Adams this 3rd day of Dec., 1896.
(Signed) WALTER SCOTT.

Recorded in Book A, record of improvements, page 142, Dec. 24, 1896.

T. JAY THORNTON,
Dep. Clk., Ill. Dist., C. N.

Bill of Sale. James S. Fuller and Rosa L. Fuller to R. C. Adams. Recorded, Book A, record of improvements, page 142, Dec. 24, 1896. T. Jay Thornton, Dep. Clk., Ill. Dist., C. N.

FORT GIBSON, ILLINOIS DISTRICT,
Cherokee Nation, Ind. T.

Know all men by these presents, that we, James S. Fuller and Rosie L. Fuller, citizens of the Cherokee Nation, for and in consideration of the sum of two hundred dollars ($200), the receipt of which is hereby acknowledged, do this day bargain, sell, and by these presents convey and deliver to R. C. Adams, a citizen of the Cherokee Nation, all our rights, title and interest in and unto a certain tract of land lying on the north side of the Tahlequah and Fort Gibson road, consisting of about fifteen acres or more, and bounded as follows: On the east by the tract of land lately belonging to William Ross and now belonging to the said R. C. Adams; on the south by the Tahlequah and Fort Gibson road; on the west by a staked line running parallel with the section line, and on the north by Corrall Branch, to have and to hold, all and singular the said tract of land and improvements hereby conveyed, with all the rights and privileges and appurtenances thereto belonging or in any wise appertaining unto the said R. C. Adams, his heirs and assigns, forever.

In witness whereof, we have hereunto subscribed our names and affixed our seals this, the 8th day of December, 1896.

J. S. FULLER. [SEAL.]
MRS. R. L. FULLER. [SEAL.]

F. P. NASH, *Witness.*
L. R. NASH, *Witness.*

Bill of sale. James S. Fuller and Rosie L. Fuller, to R. C. Adams. Recorded on Book A, record of improvements, page 140, December 24, 1896. T. Jay Thornton, Dep. Clk., Ill. Dist., Cherokee Nation.

FORT GIBSON, ILLINOIS DISTRICT,
Cherokee Nation, Ind. T.

Know all men by these presents, that we, James S. Fuller and Rosie L. Fuller, citizens of the Cherokee Nation, for and in consideration of the sum of four hundred dollars ($400), the receipt of which is hereby acknowledged, do this day bargain, sell, and by these present convey and deliver to R. C. Adams, a citizen of the Cherokee Nation, all our rights, titles, and interest in and unto all the land on the south side of Fort Gibson and Tahlequah road, leaving a space of 66 feet between our fence and the said line of said tract of land hereby conveyed to R. C. Adams. Said tract of land lying between Charlie Willey's, Florine Nash's, and the Tahlequah and Fort Gibson road that runs by the National Cemetery, and consisting of about forty or more acres, to have and to hold, all and singular, the said tract of land and the improvements hereby conveyed, with all the rights and privileges and appurtenances thereto belonging or in any wise appertaining, unto the said R. C. Adams, his heirs and assigns, forever.

In witness whereof, we have hereunto subscribed our names and affixed our seals this, the second day of November, 1896.

JAMES S. FULLER. [SEAL.]
MRS. ROSA L. FULLER. [SEAL.]

WILLIAM CLARK, *Witness.*

Bill of sale.

Know all men by these presents, that for and in consideration of the sum of four hundred dollars in hand paid by E. C. Thompson, the receipt of which is hereby acknowledged, we hereby sell, convey, and by these presents deliver to the said E. C. Thompson the following described real estate, to wit:

Forty acres of land situated in the Cherokee Nation, on the north side of the Tahlequah road and on the west side of my present residence, one string being fenced parallel with the said road, the north string and west string to be set in posts by W. P. Ross. This land is bounded on the east by the claim of W. P. Ross, bounded on the north by claim of Wm. Davis, bounded on the west by claim of Walter Scott, and bounded on the south by claim of C. W. Willie, containing forty acres more or less, but should described land not contain forty acres the said W. P. Ross is to pay at the rate of ten dollars per acre to said E. C. Thompson to cover said forty acres, or furnish a sufficient amount of land adjoining said tract to make forty acres, the title to which we guarantee to be free from all claims and we warrant and defend against all claims whatsoever.

This 9th day of April, 1895.

WM. P. ROSS.
MAUD W. ROSS.

Attest:
JOHN WATKINS.

TAHLEQUAH, IND. T., *Nov. 30, 1896.*

Transferred to R. C. Adams for value received, $250.
(Signed) J. THOMPSON,
For E. C. THOMPSON.

Bill of sale. Alfred Smith to R. C. Adams. Dec. 9th, 1896. Recorded Book A, record of improvements, page 143, Dec. 24, 1896. T. Jay Thornton, Dep. Clk., I. D., C. N.

FORT GIBSON, ILLINOIS DISTRICT,
Cherokee Nation, Ind. T.:

Know all men by these presents that I, Alfred Smith, a citizen of the Cherokee Nation, for and in consideration of the sum of twenty-five dollars ($25), the receipt of which is hereby acknowledged, do this day bargain, sell, and by these presents convey and deliver to R. C. Adams, a citizen of the Cherokee Nation, all my right, title, and interest in and unto a certain tract of land lying on the south side of the Tahlequah and Fort Gibson road, consisting of about two or more acres, and bounded as follows: On the east by R. C. Adams' fence that runs in a line with Florine Nash's fence, on the south by Florine Nash's fence, and on the west by a parallel line running in line with the section line and seventy-two feet west therefrom; to have and to hold all and singular the said tract of land and appurtenances thereto belonging or in any wise appertaining unto the said R. C. Adams, his heirs and assignees forever, the title to which I hereby guarantee and guarantee to defend against any and all claimants whatsoever.

In witness whereof I have hereunto subscribed my name and affixed my seal this the 9th day of December, 1896.

[SEAL.] ALFRED (his x mark) SMITH.

WM. CLARK, *Witness.*
J. W. DUNCAN, *Witness.*

Bill of sale.

Know all men by these presents that we, Wm. P. Ross and Maud W. Ross, his wife, for and in consideration of the sum of three hundred and ninety dollars ($390) in hand paid, do hereby grant, bargain, and sell, and by these presents have granted, bargained, and sold to William Hendricks, of the town of Manard, Indian Territory, and a citizen of the Cherokee Nation, the following-described premises, to wit:

One certain improvement on the Tahlequah road, one and one-half miles northeast of the town of Fort Gibson to the north and adjoining the farm of Wm. P. Ross, consisting of sixty-five acres, more or less, under fence, to have and to hold the same

unto the said William Hendricks, his heirs, executors, administrators, and assigns forever.

The title to which we guarantee to defend.

In witness whereof we have hereunto signed our names and affixed our seals on the first day of February, 1896.

(Signed) WM. P. ROSS.
(Signed) MAUD W. ROSS.

Attest.

T. JAY THORNTON, [SEAL.]
Dep. Clk., Ill. Dist., Cherokee Nation.

Transferred to R. C. Adams on this the 10th day of July, 1897.

(Signed) W. H. HENDRICKS.
(Signed) ANN ELIZA HENDRICKS.

This certifies that the above bill of sale is recorded on page 151, "Record of improvements" of Ill. Dis., Cherokee Nation.

This July 15, 1897.

(Signed) T. JAY THORNTON, [SEAL.]
Dep. Clk., Ill. Dist., C. N.

Bill of sale. William Ross and Maud Ross to Richard C. Adams. Recorded Book A, record of improvements, page 143, Dec. 24, 1896. T. Jay Thornton, Dep. Clk., I. D., C. N.

FORT GIBSON, ILLINOIS DISTRICT, *Cherokee Nation, Ind. T.:*

Know all men by these presents that we, William Ross and Maud Ross, citizens of the cherokee nation, for and in consideration of the sum of one hundred and fifty dollars ($150), the receipt of which is hereby acknowledged, do this day bargain, sell, and by these presents deliver to R. C. Adams, a citizen of the Cherokee Nation, all our rights, titles, and interest in and unto a tract of land consisting of about 18 acres, lying on the north side of the Tahlequah and Fort Gibson road that runs by the national cemetery, and bounded as follows: On the north by the Corrall Branch, on the west by the tract of land lately belonging to Johnson Thompson, and now belonging to the said R. C. Adams, on the south by the Tahlaquah and Fort Gibson road, and on the east by the section line and running on same; to have and to hold, all and singular, the said tract of land and improvements hereby conveyed, with all the rights and privileges and appurtenances thereto belonging, or in any wise appertaining unto the said R. C. Adams, his heirs and assigns forever, the title to which we hereby guarantee and agree to defend against any and all claimants whatsoever.

In witness whereof we hereunto subscribe our names and affix our seals this the 19th day of December, 1896.

[SEAL.] WM. P. ROSS.
[SEAL.] MAUD ROSS.

WM. CLARK, *Witness.*

FORT GIBSON, ILLINOIS DISTRICT,
Cherokee Nation, Ind. T., April 2nd, 1897:

Know all men by these presents that we, Wm. P. Ross and Edward G. Ross, citizens of the Cherokee Nation, do hereby bargain, sell, and by these presents deliver to R. C. Adams, a Delaware Indian and a citizen of the Cherokee Nation, one half interest in and unto our claim in township 16, section 29, being the SW. quarter section in section 29, and the NW. quarter section in section 29, for and in the consideration that the said R. C. Adams shall build sufficient improvements on each quarter section and sink a shaft or well from 30 to 40 feet deep for the purpose of ascertaining what mineral may be on said quarter sections and to assist in getting capital to develop said mineral or porcelain and to organize a mining company for the purpose of operating same.

We hereby bind ourselves, heirs, and administrators for the faithful performance

of said contract, and the said Wm. P. Ross and Edward G. Ross agree to warrant and defend title to said claim against any and all claimants whomsoever.

Further, the said R. C. Adams agrees to begin said improvements within 60 days and to defray all expenses for same.

(Signed) E. G. Ross.
(Signed) Wm. P. Ross.
(Signed) R. C. Adams.

Witnesses:
Annie S. Meigs.
——— ———.

Recorded on page 153, record of improvements, Ill. dist., C. N., July 16, 1897.
[seal.] T. Jay Thornton, *Dep. Clk.*
Cost of improvements, $160.

Warranty deed.

Know all men by these presents, that I, Sherman Kirby, a citizen of the Cherokee Nation, for and in consideration of the sum of three hundred dollars ($300) to me in hand paid by Richard C. Adams, a Delaware Indian and citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do hereby grant, bargain, sell, and convey, and by these presents deliver to the said Richard C. Adams, his heirs and assigns forever, the following lands situated east of Grand River and north of Fort Gibson, Indian Territory, Illinois district, Cherokee Nation, being about one hundred and thirty (130) acres of land, more or less, under fence, sixty-five acres, more or less, being in cultivation; one two-room house, and one barn, and other improvements thereon, the location being more definitely described as follows: Township 16 N., range 20 E., NW. ¼ of SW. ¼, and SW. ¼ of NW. ¼ of sec. 31, and SE. ¼ of sec. 36, township 16 north, range 19 east, Ind. meridian (240 acres).

To have and to hold the same unto the said Richard C. Adams and unto his heirs and assigns forever, together with all improvements thereon and rights, privileges, and immunities thereunto appertaining.

And I do hereby covenant with the said Richard C. Adams that I will forever warrant and defend the title to said lands against all claims whatsoever. And I, Rhoda Kirby, wife of the said Sherman Kirby, for and in consideration of the said sum of money and for divers good and valuable considerations, do hereby release and relinquish unto the said Richard C. Adams, his heirs and assigns, all my right of dower and homestead in and to said land.

In witness whereof we have hereunto set our hands and seals this —— day of February, 1902, at Ft. Gibson, Indian Territory, in the presence of H. C. Meigs and ——— ———.

[seal.] Sherman Kirby.
Rhoda Kirby.

Henry C. Meigs,
Ron Lee,
Witnesses.

Fort Gibson, Ind. T., *Northern Judicial District, ss:*

Be it remembered, that on this day came before the undersigned, a notary public within and for the district aforesaid and duly commissioned and acting, Sherman Kirby, to me well known as one of the grantors in the foregoing deed and acknowledged that he executed the same for the consideration and purposes therein mentioned and set forth.

And on the same day also appeared before me, the said Rhoda Kirby, wife of the said Sherman Kirby, to me well known, and in the absence of her said husband declared that she had of her own free will signed and sealed the relinquishment of dower and homestead rights in the foregoing deed for the consideration and purposes therein mentioned and set forth, without compulsion or undue influence of her said husband.

Witness my hand and seal as such notary public this 15th day of February, 1902.

[seal.] P. L. Pyle,
Notary Public in and for the Northern District.

(My commission expires ——— ———.)

The interlineation in the description was made before the deed was acknowledged.

P. L. Pyle, *Notary Public.*

Certificate of record.

UNITED STATES OF AMERICA,
Indian Territory, Northern District, ss:

I, Charles A. Davidson, clerk of the United States court and ex officio recorder in and for the northern district, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 6th day of March, 1902, at 8 a. m., and duly recorded in Book X, page 366.

Witness my hand and seal of said court at Muskogee, in said Territory, this 18th day of June, A. D. 1902.

[SEAL.]

CHAS. A. DAVIDSON,
Clerk and Ex Officio Recorder.

Bill of sale.

FORT GIBSON, IND. T., *March 16, '97.*

I, Francis Miller, this day transferred say bill of sale, witnesseth: That party of first part, for and in consideration of the sum of four hundred ($400) dollars in hand paid by say party of the second, the receipt whereof is hereby acknowledged, and say party of the second part forever released and discharge therefrom, have granted, bargained, sold, remised, released, conveyed, aliened, and confirmed, and by these presents do grant, bargain, sell, remise, release, convey, alien, and confirm unto the say party of the second part, and to his heirs and assigns forever, I this transferred say property to party of second part.

One farm, about sixty-five in cultivation, and pasture about 80 acres; house, stable, cornerib, say farm laying north of Fort Gibson, about two miles from say town, on the old Government reserve. Hereby releasing and waiving all right. This is a true bill of sale of say property. I, Francis Miller, will defend say title on any claim against say property.

(Signed) FRANCIS MILLER.

Witness:
ALBERT TAYLOR.
EMMER PATERSON.

FORT GIBSON, IND. T., *16, '97.*

We herewith sign and transfer unto R. C. Adams the within-described land this the 15th day of Feby., 1902.

SHERMAN KIRBY.
RHODA KIRBY.

Know all men by these presents, that I, Louis Bibles, a citizen of the Cherokee Nation, for and in consideration of the sum of twelve hundred and fifty dollars ($1,230) to me in hand paid by Richard C. Adams, a Delaware Indian and a citizen of the Cherokee Nation, and now representing the Delaware Indians at Washington, D. C., do hereby grant, bargain, sell, and convey, and by these presents deliver to the said Richard C. Adams, his heirs and assigns, forever, the following lands situated on the east side of Verdigris River, in the Indian Territory, Cooweescoowee district, Cherokee Nation, to wit:

NW. ¼ of section 14, south ½ of section 15, south half of NW. ¼ sect. 14, N. ½ sec. 15, 37 acres in the south half of NW. ¼ sect. 15, containing 757 a., more or less, all in township twenty-four, range sixteen.

To have and to hold the same unto the said Richard C. Adams and unto his heirs and assigns forever, together with all improvements thereon and rights, privileges, and immunities thereto appertaining.

And I do hereby covenant with the said Richard C. Adams that I will forever warrant and defend the title to said lands against all claims whatsoever.

And I, Ella Bibles, wife of said Louis Bibles, for and in consideration of the said sum of money and for divers good and valuable consideration, do hereby release and relinquish unto the said Richard C. Adams, his heirs and assigns, all my right of dower and homestead in and to said land.

In witness whereof we have hereunto set our hands and seals this 29th day of August, 1899, at Alluwe, Ind. T., in the presence of H. M. Adams and E. Byrd, witnesses hereto.

LOUIS BIBLES.
ELLA BIBLES.

Witnesses:
H. M. ADAMS.
ED BYRD.

CHELSEA, IND. T., *Northern District, ss:*

Be it remembered that on this day came before the undersigned, a notary public within and for the district aforesaid, duly commissioned and acting, Louis Bibles, to me well known as one of the grantors in the foregoing deed, and acknowledged that he had executed the same for the consideration and purposes therein mentioned and set forth.

And on the same day also appeared before me the said Ella Bibles, wife of the said Louis Bibles, to me well known, and, in the absence of her husband, declared that she had, of her own free will, signed and sealed the relinquishment of dower and homestead rights to the foregoing deed, for the consideration and purposes therein mentioned and set forth, without compulsion or undue influence of her said husband.

Witness my hand and seal as such notary public this 29th day of August, 1899.

[SEAL.] EDWARD BYRD,
Notary Public in and for Northern District, Ind. Ter.

(My com. exp. Feb. 27th, 1900.)

WASHINGTON, D. C., *March 29th, 1899.*

Know all men by these presents that I, John R. McIntosh, a citizen of the Cherokee Nation, for and in consideration of the sum of one dollar ($1) and other valuable considerations, do this day bargain, sell, and by these presents deliver to Richard C. Adams, a Delaware Indian and a citizen of the Cherokee Nation, residing at Fort Gibson, Indian Territory, two hundred and forty acres (240) of land and all the improvements thereon, situated in the forks of Dromgoole and Coal creeks, in Cooweescoowee district, Cherokee Nation. Said two hundred and forty acres of land is bounded as follows: On the north by improvements held and owned by John Grass McIntosh; on the west by improvements held and owned by Widow Tom Terrill; on the south by improvements held and owned by Mack Taylor; and on the east by improvements held and owned by myself, John R. McIntosh; also described as the northwest quarter of section 32 (160 acres), and north half of southwest quarter of section 32, both township 24 N., range 17 east, to have and to hold all the improvements, rights, and immunities appertaining thereto.

And I hereby agree to warrant and defend the title to the said 240 acres to Richard C. Adams, his heirs and assigns, against any and all claimants whomsoever.

In witness whereof I hereunto affix my hand and seal this the twenty-ninth day of March, eighteen hundred and ninety-nine, in presence of witnesses hereto attached.

(Signed) JOHN R. MCINTOSH. [SEAL.]

CHARLES G. SHOEMAKER, *Witness.*
MARY J. BALDWIN, *Witness.*
(Revenue stamp, $3.)

DISTRICT OF COLUMBIA, *to wit:*

On this 29th day of March, A. D. 1899, personally appeared before me John McIntosh, to me personally known to be the person whose name is signed to the foregoing deed and acknowledged the same to be his free act and deed.

Given under my hand and seal the day and year hereinbefore written.

(Signed) CHARLES G. SHOEMAKER, *Notary Public.*

WASHINGTON, D. C., *March 29th, 1899.*

Know all men by these presents, that I, John R. McIntosh, a citizen of the Cherokee Nation, for and in consideration of the sum of one dollar ($1) and other valuable considerations, do this day bargain, sell, and by these presents deliver to Richard C. Adams, a Delaware Indian and citizen of the Cherokee Nation, and resident at Fort Gibson, Indian Territory, two hundred and forty acres (240) of land and all the improvements thereon, situated on the forks of Dromgoole and Coal Creeks, in Cooweescoowee district, Cherokee Nation. Said two hundred and forty acres of land is bounded as follows: On the north by improvements held and owned by John Grass McIntosh; on the west by improvements held and owned by Widow Tom Terrill; on the south by improvements held and owned by Mack Taylor, and on the east by improvements held and owned by myself, John R. McIntosh—also described as the northwest quarter of section 32 (160 acres) and the north half of southwest quarter

of section 32, both township 24 N., range 17 east—to have and to hold all the improvements, rights, and immunities appertaining thereto.

And I hereby agree to warrant and defend the title to the said 240 acres to Richard C. Adams, his heirs and assigns, against any and all claimants whomsoever.

And for the considerations aforesaid, and for divers other good and valuable considerations, I, Maria L. McIntosh, wife of John R. McIntosh, do hereby release and quitclaim unto the said Richard C. Adams, his heirs and assigns, all my right, claim, or possibility of dower in or out of the afore-described premises.

In witness whereof we hereunto affix our hands and seals this the twenty-ninth day of March, eighteen hundred and ninety-nine, in presence of witnesses hereto attached.

JOHN R. MCINTOSH.
MARIA L. MCINTOSH.

D. G. ELLIOTT, *Witness.*
H. M. ADAMS, *Witness.*

UNITED STATES OF AMERICA,
Indian Territory, Northern District.

On this 20th day of May, 1899, before me, David G. Elliott, a notary public, within and for the said district and Territory, appeared in person, John R. McIntosh, to me personally well known as the person whose name appears upon the within and foregoing deed of conveyance, as one of the parties, grantor, and stated that he had executed the same for the considerations and purposes therein mentioned and set forth, and I do hereby so certify. And I further certify that on this 20th day voluntarily appeared before me Maria L. McIntosh, wife of John R. McIntosh, to me well known to be the person whose name appears upon the within and and foregoing deed, and in the absence of her said husband declared that she had of her own free will signed the relinquishment of dower expressed for the purposes therein contained and set forth, without compulsion or undue influence of her said husband.

In testimony whereof I have hereunto set my hand as notary public within and for the northern district of the Indian Territory, on this the 20th day of May, 1899.

[SEAL.] DAVID G. ELLIOTT.

EXHIBIT 21.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tahlequah, Ind. T., December 26, 1903.

DEAR SIR: I am in receipt of your letter of December 23, conveying a proposition from Mr. R. C. Adams to have included in the Delaware segregation certain land in the Cherokee Nation standing in his name in the list of land heretofore presented for such segregation, and which list had at one time the approval of the Commission.

In this connection, you say:

"Mr. Adams authorizes me to say that he holds the lands standing in his name in the agreed list of lands submitted for segregation for his people, the registered Delawares and descendants of registered Delawares, and not for himself; that in acquiring these lands for the benefit of his people he has expended his own money, and that he believes his people will, in the event of the establishment of their claim, reimburse him for all such expenditures, as well as for his risks and services in their behalf.

"That for the purpose of inducing you to include these lands in the Delaware segregation for the benefit of his people, and subject to the action of the Supreme Court, he stands ready to, and hereby proposes to, convey all such lands in any way that you may suggest to any committee of Delaware Indians, to be selected by you or the Commission, to be held by them under the direction of your Commission for the sole benefit of the Delaware tribe of Indians.

"If under these safeguards you are willing to allow his people to have the benefit of these lands, bought with his own money for their use, by including them in the Delaware segregation, he will at once execute such conveyance as you may suggest to any parties named by you.

"Please let me know your decision in this matter at your earliest convenience."

The inclusion of these lands has been the subject of other communications between Mr. Adams and this Office.

On December 7 he wrote me from Washington, inclosing a memorandum of land, presumably the same now referred to, which he said he purchased from Cherokees

who formerly owned improvements thereon, and which land he desired put into the Delaware segregation. He further said that he could at any time send the bills of sale, and that he had some additional land of which he had not then prepared a memorandum.

In reply to that letter, this Office wrote Mr. Adams, on December 12, in part as follows:

"As to the parties, some 300 in number, who have to date made claim that their occupied lands and homes have been, without their knowledge or consent, put into what has been called the Delaware segregation, such parties as commonly referred to are those who have made such complaint in person, or in some instances in writing, when information of the disposition of their lands has reached them, and none of them are of Delaware blood, nor do they make any claims as Delawares, but care will be exercised to see that no improper representations of this character prevail.

"After much labor in getting the material in our records in order, the Commission is now proceeding to determine the list of segregated lands. Inclosed find copy of a resolution passed by the Commission on the 10th, the day fixed for argument, showing upon what lines it is deemed necessary to make this segregation. As you see by the inclosed, we consider ourselves required to include 160 acres per capita for living registered Delawares as the same may have been selected and occupied by them under the treaty of April 8, 1867, said 160 acres to contain, as far as may be, improvements of said living registered Delawares. We also concluded that we must put into the segregation land to the extent of 160 acres per capita, so far as the same may have been selected and occupied under the treaty by deceased registered Delawares, provided the same is now found to be in the possession of a descendant claimant of such deceased registered Delaware, said land to contain, so far as may be, the principal improvements of the deceased ancestor, and after that we consider that we are required to proceed directly to the unclaimed and unembarrassed portions of the public domain.

"This view of the law appears to be at variance from the views of Mr. Logan and yourself. It is my desire, however, and I am sure the desire of the Commission, to protect your rights, as well as the rights of all other parties in interest, fully and justly under the law as we interpret it.

"You are welcome to appear at this office in person or by representative and to consider and make suggestions and representations in regard to every tract of land in any way connected with these proceedings. In renewing the offers of this office to extend to you every facility within its power, I must call attention, however, to the fact that this business is already greatly delayed and other interests immensely inconvenienced chiefly by reason of the nature and character of the list heretofore presented by yourself and Mr. Logan for segregation, that the preliminary work has continued since early in October, and now this office is directed to make a final report to the Commission as soon as possible. It seems probable that there will be very few instances in which any difference of opinion can exist as to what class any tract of land comes under. If it is an excluded class, that of course would settle the question; and as the classes to be included have been defined by the Commission, this should make your review of the segregation, with your knowledge of the lands you are particularly interested in, a very brief labor, and one that you can readily complete before this office makes its report. I hope to report to the Commission within not exceeding ten days, and as heretofore all data is open to your inspection."

What he said about his lands was duly cited.

To this communication no reply was received except a telegram announcing that he, accompanied by you, would be here December 21.

Mr. Adams did so appear on that date, and he exhibited a bundle of papers which he said were bills of sale of land or improvements he had bought, and which he said he would leave with this office. He was told that the originals would be returned to him as soon as copies could be made, but he failed to leave the papers.

On the 22d instant, at Muskogee, Mr. Adams made to me the same statement about leaving the bills of sale, but he did not leave them; and to this date he has furnished the Commission no evidence of the persons from whom he acquired these lands, upon what terms, or by what authority, except such general statements as I have enumerated. He does not avail himself of the repeated offers of access to all of our records in this business, nor does he submit any evidence that the lands he claims are not rightfully held as shown by our improvement plats and other evidence of record. He can not reasonably ask the Commission to delay without limit, nor expect to gain his case by simply making complaint and withholding the evidence.

In answer now more specifically to your proposal, as at present advised, I do not see that this office, under its instructions, can accede to the proposition.

As you say, Mr. Adams "expended his own money" under a belief that his

clients would "reimburse him," etc. In other words, he indulged in a business transaction and apparently with a view of the law respecting the making of the Delaware segregation greatly at variance from that held by the Commission. According to the doctrine laid down by Mr. Walter S. Logan, counsel for the Delawares, and according to the way the Adams and Logan list of land for segregation now seems to have been made up, there was no need for Mr. Adams to expend his money except for his personal benefit and profit. Mr. Logan, in his letter of December 3, says:

"The agreement between the Delawares and the Cherokees of April 8, 1867, provided that—

"'The selection of the lands to be purchased by the Delawares may be made by said Delawares in any part of the Cherokee Reservation east of the said line of 96° not already selected and in the possession of other parties.'

"The Delawares, therefore, are to make their own selections.

"The selections they have made are on file with you. The only question that can arise, therefore, is as to whether any part of the lands so selected were 'already selected and in the possession of other parties,' within the meaning of the agreement.

"The phrase 'already selected and in the possession of other parties' refers, of course, to the date of agreement, that is, April 8, 1867. If it is claimed, therefore, that any part of these lands were not open to Delawares to select, it must be because, on April 8, 1867, they had been 'already selected and in the possession of other parties,' who are now claiming them. It is not enough that the lands should have been 'selected.' They must have been not only 'selected' but in the actual 'possession of other parties.' * * * We are entitled to have segregated to us the lands which we have selected and which were not on April 8, 1867, 'already selected and in the possession of other parties,' and such other lands as we may hereafter select in the place of those which it may determine were on the date 'already selected and in the possession of other parties.'"

Also, according to our record, some 16,000 acres of land, belonging to nearly 300 Cherokees, was thus arbitrarily put into that list for segregation. All this casts grave doubt upon the correctness of the status of Mr. Adams's lands, as defined by him.

As you are aware, the Commission, on December 10, adopted the following resolution:

"*Resolved*, That the Delaware segregation shall consist—

"First. Of the lands shown by the records of the Commission to be selected and occupied by living registered Delawares, in accordance with the treaty of April 8, 1867, to the extent of 160 acres per capita of said living registered Delawares, said 160 acres to contain, as far as may be, the principal improvements of said living registered Delawares.

"Second. Of lands shown to have been selected by a deceased registered Delaware under said treaty of April 8, 1867, to the extent of 160 acres per capita of land so selected and occupied and which is found now to be in the possession of a descendant of such deceased registered Delaware, said land to contain, as far as may be, the principal improvements of said deceased registered Delaware.

"Third. Of public land, in addition to the foregoing, sufficient to make up a total of 157,600 acres for this segregation.

"The commissioner in charge of the Cherokee land office is directed to prepare a list of the foregoing lands as soon as possible and to report to the Commission.

"And on December 23 the Commission adopted the following resolution:

"'*Resolved*, That after hearing argument in regard to making the Delaware segregation the Commission concludes not to change the instructions heretofore given in regard thereto. The lands of the public domain placed in said segregation shall be, as far as possible, such as will not serve as a means of excess land holding by individuals for their personal profit.'"

These resolutions reflect clearly the Commission's view of the law respecting the making of the Delaware segregation. Even if Mr. Adams's present contention as to his lands is correct—that he bought them for his clients, the Delawares—it still remains that each piece of land would have to come under the foregoing rules, and it seems clear to me that my instructions would exclude possibly all of it from the list I am directed to submit to the Commission.

I do not enter upon other features of the case, such as the power of the Commission to make such an arrangement, the effect of incumbrances upon the land, and the inevitable perversion of the Commission to functions of a personal and private character, such as the excess holding of land and the collection of debts that have no security in law. It does not appear necessary to go into these matters except to suggest them, for, so far as my duty is concerned, Mr. Adams's transaction, in principle and from the beginning, seems to me to be contrary to what I am directed to recognize as lawful, except in so far as he may be able to show selections in which

he is personally interested as a registered Delaware or as an heir of a registered Delaware, to the extent of 160 acres of land per capita, as laid down in the resolution.

Respectfully,

C. R. Breckinridge,
Commissioner in Charge Cherokee Land Office.

Hon. James K. Jones, *Washington, D. C.*

Exhibit 22.

Commission to the Five Civilized Tribes,
Tahlequah, Ind. T., December 26, 1903.

Dear Sir: I am in receipt of your letter of the 23d instant in regard to the position of the Commission concerning the selection of land for the Delaware segregation.

For convenience of reference, I insert the instructions under which this Office is acting, and then I will reply to your statements in the order in which you present them.

[Resolutions of December 10, 1903.]

"*Resolved*, That the Delaware segregation shall consist—

"First. Of lands shown by the records of the Commission to be selected and occupied by living registered Delawares, in accordance with the treaty of April 8, 1867, to the extent of 160 acres per capita of said living registered Delawares, said 160 acres to contain, as far as may be, the principal improvements of said living registered Delawares;

"Second. Of lands shown to have been selected by a deceased registered Delaware under said treaty of April 8, 1867, to the extent of 160 acres per capita of land so selected and occupied, and which is found now to be in the possession of a descendant of such deceased registered Delaware, said land to contain, as far as may be, the principal improvements of said deceased registered Delaware;

"Third. Of public land, in addition to the foregoing, sufficient to make up a total of 157,600 acres for this segregation.

"The commissioner in charge of the Cherokee land office is directed to prepare a list of the foregoing lands as soon as possible and to report to the Commission."

[Resolution of December 22, 1903.]

"*Resolved*, That after hearing argument in regard to making the Delaware segregation, the Commission concludes not to change the instructions heretofore given in regard thereto. The lands of the public domain placed in said segregation shall be as far as possible such as will not serve as a means of excess land holdings by individuals for their personal profit."

Your first statement is as follows:

"I understood you last night to say in my conversation with you that the position of the Commission is that no land held, occupied, or improved by any descendant of a registered Delaware shall be included under any circumstances in the Delaware segregation unless it was shown that such land has been occupied by a registered Delaware and was held by a complete chain of title as to improvements, of course, from said original registered Delaware to the present holder."

The foregoing is partly right and partly wrong.

Under section 23 of the last Cherokee agreement it is directed that—

" * * * the Commission shall cause to be segregated one hundred and fifty-seven thousand six hundred acres of land * * * *."

It is further directed that such segregation shall include—

" * * * lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April eight, eighteen hundred and sixty-seven * * * *."

This office considers its instructions clear that only land "selected and occupied" by living or deceased registered Delawares has been selected and occupied "in conformity to the provisions of their agreement with the Cherokees dated April eighth, eighteen hundred and sixty-seven."

The instruction is deemed equally clear that such land could only be so selected and occupied by said registered Delawares to the extent of 160 acres per capita.

Therefore, as to the category of "selected and occupied" Delaware land, no descendant, not himself a registered Delaware, is deemed to have a right to designate land

for that classification, unless he holds land as a claimant through one or more deceased registered Delawares. That is deemed the limit of his right as respects the making of the segregation. If he has any special right as a Delaware, it is as respects the making of the segregation, protected as may be in the land taken from the public domain for the completion of the required 157,600 acres.

I do not feel that I am called upon to look closely into there being "a complete chain of title." I consider, however, that there must be evidence of continued possession.

The succeeding part of your letter is as follows:

"I also understood you to say that it was the intention of the Commission after ascertaining what lands had been taken possession of by original Delawares and continuously held as indicated above, that all the remainder of the proposed segregation of 157,600 acres would be selected out of the public domain and include only such lands as were unimproved and unclaimed by any Cherokee, and that any lands held by any descendant of a registered Delaware, which had not been originally taken up by a registered Delaware and continuously held as suggested above, would be excluded from said segregation absolutely and would become a part of the public domain, subject, as I infer, to occupation by Cherokee Indians but not open to occupation by a Delaware, not even the man who has lived on it for years and improved it, unless it is claimed by him under his rights as a Cherokee; that no such land will in any event be included in the segregation. Please let me know if in the above I understood you correctly, and if not, wherein I misunderstood you and what the exact position of the Commission is as to lands which are held and have been improved by Delaware Indians, descendants of registered Delawares, but which lands were never held, so far as the records of the Commission show, by an original registered Delaware.

"I respectfully request an answer at your early convenience to the above."

The foregoing is substantially replied to in what has been said in connection with the earlier part of your letter.

As far as making this segregation is concerned, lands held by a descendant of a registered Delaware and not derived as a descendant from a registered Delaware are not deemed to "have been selected and occupied by Delawares" (a Delaware) "in conformity to the provisions of their agreement with the Cherokees dated April eighth, eighteen hundred and sixty-seven," which is the rule laid down in the law directing the making of the segregation.

That is the way I construe my instructions, and it is the way I am making up the list for the Commission to pass upon. So far as the Commission is concerned, as at present informed and in the absence of any contrary instructions, this claimant, if he individually holds land not as herein set forth, is deemed an excess landholder, with no right to seek cover under the Delaware segregation. If he so holds much land he is deemed only to have enjoyed the use of an excess of land, and must now yield it up, having a special right, if any, only in the reserved part of the public domain, as the court may decide.

In conclusion I will say that I consider it within the spirit of my instructions to offer of the public domain, good average land, if such can be had without practically aiding and abetting excess land holdings by individuals. So far I do not find much, if any, of the better part of the remaining public domain so situated, and so I am preparing to recommend to the Commission the cheaper parts of the public domain, when that has to be drawn upon, as the only available means of completing the segregation without, in effect, conniving at very gross violations of law in other particulars.

There is no evidence that the Delawares, acting under their agreement of 1867, ever "selected and occupied" land except as individuals, settling somewhat indiscriminately among the Cherokees, and hence the inclusion of such land now is of necessity limited to the evidence of such former individual selections.

Respectfully,

C. R. BRECKENRIDGE,
Commissioner in Charge Cherokee Land Office.

Hon. JAMES K. JONES,
Washington, D. C.

EXHIBIT 23.

UNITED STATES OF AMERICA,
Indian Territory, office of the clerk of the court of appeals.

I, William P. Freeman, clerk of the United States court of appeals in the Indian Territory, do hereby certify that the annexed six pages contain a true, complete and

full copy of the articles of association and certificate of the board of directors of International Bank and Trust Company, of Vinita, Indian Territory.

(Endorsed:) "Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 11th day of February, A. D. 1903," as appears by comparing the same with the original roll of said articles of association and certificate now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my seal at the city of South McAlester, Indian Territory, this 3rd day of October, A. D. nineteen hundred and three (1903).

[SEAL.]

WM. P. FREEMAN,
Clerk U. S. Court of Appeals, I. T.

Articles of agreement and incorporation of the International Bank and Trust Company.

Know all men by these presents:

That the corporators hereinafter named have this day and by these presents formed a corporation under and in pursuance of an act of Congress approved February 18th, 1901, entitled "An act to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory," which said act provides for incorporations for manufacturing and other lawful business purposes in the Indian Territory, and in evidence thereof do hereby execute the following articles of incorporation.

First. The name of said corporation shall be International Bank and Trust Company.

Second. The corporators are H. J. Hamlin, Alfred Orendorff, J. W. Orr, Thomas B. Needles, Charles A. Davidson, John G. Drennan, Edward L. Merritt, Isaac B. Craig, and Isaac N. Perry.

Third. The place of business is to be located at Vinita, Indian Territory, and its office for transaction of business shall be in Vinita, Indian Territory, or at such other place as the board of directors may select.

Fourth. The general nature of the business proposed to be transacted by this corporation is:

To act as agent, trustee, assignee, executor, administrator, guardian, receiver, or other personal or legal representative when designated by any person, copartnership, corporation, or court so to do; to do a general fiduciary and depository business; to act as surety and guarantor of the fidelity of employees, trustees, executors, administrators, guardians, receivers, assignees, or others appointed to or assuming the performance of any trust, public or private, under appointment by any court or tribunal, or under contract between private individuals or corporations; also on any undertaking bond or bonds which may be required to be filed in any judicial proceeding; to act as executor or testamentary guardian when designated as such by will or by act as administrator or guardian when appointed by any court or judicial officer or body having jurisdiction; to do a general banking business; to receive deposits payable on demand; to receive time deposits on which interest may be allowed at such rate as agreed; to buy and sell, exchange, and to do all such other things as are necessary in conducting a general banking business; to hold, buy, sell and mortgage real estate and personal property, and to deal in, buy, and sell all kinds of government, state, municipal, and other bonds, and all kinds of negotiable and nonnegotiable paper, stocks, investments and other securities; to furnish abstracts of titles to all forms of realty and to guarantee title of all kinds; to conduct a general business of transferring, registering, and countersigning certificates of stock, bonds, or other securities and evidences of indebtedness; to furnish space and facilities for the safe keeping of papers and valuables capable of being cared for by the company, and to receive deposits and safeguard the same; and it shall have power to do all lawful things appropriate or necessary to the accomplishment of all the aforesaid purposes.

Fifth. The amount of capital stock of said corporation shall be one hundred thousand dollars, of which one hundred thousand dollars has been subscribed by the corporators aforesaid, and the residue thereof may be issued and disposed of as the board of directors may from time to time order and direct.

Sixth. The capital stock shall be divided into four thousand shares of the value of $25 each.

Seventh. The affairs and business of the corporation shall be conducted and controlled by a board of directors consisting of seven members, all of whom shall be stockholders of the corporation. Said board of directors shall elect one of its members as president and one of its members as vice-president, and shall also elect a secretary and treasurer.

Eighth. The first election of directors shall be held immediately after the organi-

zation of the corporation, and said directors shall serve for one year, and until their successors are elected.

Ninth. The board of directors are empowered to ordain and establish all by-laws and regulations necessary to the management and business of said corporation, and alter and repeal same at pleasure.

Tenth. The first meeting of said corporators for organization shall be held in Chicago, Illinois, at the office of Palmer House, at three o'clock p. m., on the 4th day of February, 1903. The subscribers hereto hereby waive notice of said meeting.

In testimony whereof, we have hereunto set our hands on this the fourth day of February, 1903.

ALFRED ORENDORFF.
ISAAC B. CRAIG.
H. J. HAMLIN.
J. W. ORR.
EDWARD L. MERRITT.
CHARLES A. DAVIDSON.
JOHN G. DRENNAN.
ISAAC N. TERRY.
T. B. NEEDLES.

CERTIFICATE.

Whereas H. J. Hamlin, Alfred Orendorff, J. W. Orr, Thomas B. Needles, Charles A. Davidson, John G. Drennan, Edward L. Merritt, Isaac N. Craig, and Isaac N. Perry have associated themselves together as a body politic and corporate, to be known as International Bank and Trust Company.

And whereas the said corporators, being the subscribers to the capital stock of the said corporation, have waived the fifteen days' notice as required by law, and called a meeting for organization to be held in Chicago, Illinois, at the office of Palmer House, at three o'clock p. m., on the fourth day of February, 1903;

Whereas at the time and place above set out a meeting of the subscribers aforesaid was held to organize said corporation and elect seven directors. And,

Whereas at said meeting the following-named persons were elected directors, to wit: H. J. Hamlin, Alfred Orendorff, Thomas B. Needles, J. W. Orr, Charles A. Davidson, John G. Drennan, and Isaac N. Perry.

Whereas at a meeting of the said board of directors Alfred Orendorff was elected president, and J. W. Orr and Thomas B. Needles were elected vice-presidents, and Charles A. Davidson was elected secretary and treasurer.

Now, therefore, the said Alfred Orendorff as president, and the said H. J. Hamlin, Alfred Orendorff, Thomas B. Needles, J. W. Orr, Charles A. Davidson, John G. Drennan, and Isaac N. Perry as directors, do, in pursuance of law, issue this their certificate, verified by their oaths, and do hereby certify as follows:

First. Said corporation is formed for the purpose of transacting the following business:

To act as agent, trustee, assignee, executor, administrator, guardian, receiver, or other personal or legal representative when designated by any person, copartnership, corporation, or court so to do; to do a general fiduciary and depository business; to act as surety and guarantor of the fidelity of employees, trustees, executors, administrators, guardians, receivers, assignees, or others appointed to or assuming the performance of any trust, public or private, under appointment by any court or tribunal or under contract between private individuals or corporations; also on any undertaking, bond or bonds, which may be required to be filed in any judicial proceeding; to act as executor or testamentary guardian when designated as such by will or to act as administrator or guardian when appointed by any court or judicial officer or body having jurisdiction; to do a general banking business; to receive deposits payable on demand; to receive time deposits, on which interest may be allowed at such rate as agreed; to buy and sell exchange and to do all such other things as are necessary in conducting a general banking business; to hold, buy, sell, and mortgage real estate and personal property, and to deal in, buy, and sell all kinds of Government, State, municipal, and other bonds, and all kinds of negotiable and nonnegotiable paper, stocks, investments, and other securities; to furnish abstracts of titles to all forms of realty and to guarantee titles of all kinds; to conduct a general business of transferring, registering, and countersigning certificates of stock, bonds, or other securities and evidences of indebtedness; to furnish space and facilities for the safe-keeping of papers and valuables capable of being cared for by the company and to receive deposits and safeguard the same; and it shall have power to do all lawful things appropriate or necessary to the accomplishment of all the aforesaid purposes.

Second. Its capital stock is one hundred thousand dollars, divided into shares of $25.00 each.

Third. Twenty-five thousand dollars of said capital stock have been actually paid in by the subscribers thereto.

Fourth. The names of the stockholders and the number of shares owned by them, respectively, is as follows:

	Number of shares.
Alfred Orendorff	600
Jas. W. Orr	1,000
H. J. Hamlin	800
Isaac N. Perry	400
Isaac B. Craig	400
John G. Drennan	200
Thomas B. Needles	200
Charles A. Davidson	200
Edward L. Merritt	200

In testimony whereof the said Alfred Orendorff, president of said corporation, and H. J. Hamlin, Thomas B. Needles, J. W. Orr, Charles A. Davidson, John G. Drennan, and Isaac N. Perry, a majority of the board of directors of said corporation, have hereunto set their hands on this fourth day of February, 1903.

ALFRED ORENDORFF,
President.
JOHN G. DRENNAN,
J. W. ORR,
ISAAC N. PERRY,
H. J. HAMLIN,
Directors.

UNITED STATES OF AMERICA,
State of Illinois, Cook County, ss:

Alfred Orendorff, Isaac N. Perry, J. W. Orr, John G. Drennan, and H. J. Hamlin, on their oaths say that the matters and things in the foregoing certificate set out are true to the best of their knowledge and belief.

ALFRED ORENDORFF.
ISAAC N. PERRY.
J. W. ORR.
JOHN G. DRENNAN.
H. J. HAMLIN.

Subscribed and sworn to before me, this the 5th day of February, 1903.
In testimony whereof I have hereunto set my my hand and seal of office.
[SEAL.]

FRANCIS V. PUTMAN,
Notary Public.

EXHIBIT 24.

UNITED STATES OF AMERICA,
Indian Territory, office of the Clerk of the Court of Appeals:

I, William P. Freeman, clerk of the United States court of appeals in the Indian Territory, do hereby certify that the annexed six pages contain a true, complete, and full copy of the articles of association and certificate of the board of directors of Tishomingo Loan and Trust Company, of Tishomingo, Indian Territory.

(Endorsed:) "Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 27th day of June, A. D. 1903." As appears by comparing the same with the original roll of said articles of association and certificate now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my seal, at the city of South McAlester, Indian Territory, this 3rd day of October, A. D. nineteen hundred and three (1903).

[SEAL.]

WM. P. FREEMAN,
Clerk U. S. Court of Appeals, I. T.

Articles of agreement and incorporation of Tishomingo Loan and Trust Company, Tishomingo, Indian Territory.

Know all men by these presents:

That the corporators hereinafter named have this day, and by these presents, formed a corporation under and in pursuance of an act of Congress approved Feb-

ruary 18th, 1901, entitled "An act to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory," which said act provides for incorporations for manufacturing and other lawful business purposes in the Indian Territory, and in evidence thereof do hereby execute the following articles of incorporation:

First. The name of said corporation shall be Tishomingo Loan and Trust Company.

Second. The corporators are J. J. Downey, J. A. Orendorff, W. M. Lucas, A. B. Dunlap, and P. T. Foley.

Third. The place of business is to be located at Tishomingo, Indian Territory, and its office for transaction of business shall be in Tishomingo, Indian Territory, or at such other place as the board of directors may select.

Fourth. The general nature of the business proposed to be transacted by this corporation is to act as agent, trustee, guardian, administrator, etc.; to furnish abstracts of title to realty; to buy, sell, lease and sublease lands, and to deal in and buy and sell Government, State, municipal, and other bonds; and to conduct a general business transferring, registering, and countersigning certificates of stock.

Fifth. The amount of capital stock of said corporation shall be fifty thousand ($50,000) dollars, of which thirty-four thousand dollars has been subscribed by the corporators aforesaid, and the residue thereof may be issued and disposed of as the board of directors may from time to time order and direct.

Sixth. The capital stock shall be divided into two thousand shares, of the value of $25.00 each.

Seventh. The affairs and business of the corporation shall be conducted and controlled by a board of directors consisting of seven members, all of whom shall be stockholders of the corporation. Said board of directors shall elect one of its members as vice-president, and shall also elect a secretary and treasurer.

Eighth. The first election of directors shall be held immediately after the organization of the corporation, and said directors shall serve for one year and until their successors are elected.

Ninth. The board of directors are empowered to ordain and establish all by-laws and regulations necessary to the management and business of said corporation, and alter and repeal the same at pleasure.

Tenth. The first meeting of said corporators for organization shall be held in Tishomingo, Indian Territory, at the office of First National Bank, at three o'clock p. m., on the 24th day of June, 1903. The subscribers hereto hereby waive notice of said meeting.

In testimony whereof we have hereunto set our hands on this the 24th day of June, 1903.

J. J. Downey.
W. M. Lucas.
J. A. Orendorff.
A. B. Dunlap.
P. T. Foley.

CERTIFICATE.

Whereas J. J. Downey, Tishomingo, I. T.; J. A. Orendorff, Tishomingo, I. T.; W. M. Lucas, Tishomingo, I. T.; A. B. Dunlap, Holdenville, I. T., and P. T. Foley, Parsons, Kas., have associated themselves together as a body politic and corporate, to be known as Tishomingo Loan and Trust Company;

And whereas the said corporators, being the subscribers to the capital stock of said corporation, have waived the fifteen days' notice as required by law, and called a meeting for organization to be held in Tishomingo, I. T., at the office of First National Bank, at 3 o'clock p. m. on the 24th day of June, 1903;

Whereas at the time and place above set out, a meeting of the subscribers aforesaid was held to organize said corporation and elect seven directors; and

Whereas at said meeting the following-named persons were elected directors, to wit: W. E. Stanley, Wichita, Kas.; P. S. Moseley, Tishomingo, I. T.; P. T. Foley, Parsons, Kas.; A. B. Dunlap, Holdenville, I. T.; W. M. Lucas, Tishomingo, I. T.; J. J. Downey, Tishomingo, I. T., and J. A. Orendorff, Tishomingo, I. T.;

Whereas at a meeting of the said board of directors, P. T. Foley was elected president, and W. E. Stanley and P. S. Moseley was elected vice-president, and John A. Orendorff was elected secretary, and James J. Downey was elected treasurer:

Now, therefore, the said P. T. Foley, as president, and the said J. J. Downey, J. A. Orendorff, W. M. Lucas, and A. B. Dunlap, as directors, do, in pursuance of law, issue this their certificate, verified by their oaths, and do hereby certify as follows:

First. Said corporation is formed for the purpose of:

To act as agent, trustee, assignee, executor, administrator, guardian, receiver, or other personal or legal representative, when designated by any person, copartnership, corporation, or court so to do; to do a general fiduciary and depository business; to act as surety and guarantor of the fidelity of employees, trustees, executors, administrators, guardians, receivers, assignees, or others appointed to or assuming the performance of any trust, public or private, under appointment by any court or tribunal, or under contract between private individuals or corporations, also on any undertaking, bond, or bonds which may be required to be filed in any judicial proceeding; to act as executor or testamentary guardian, when designated as such by will or by act as administrator or guardian, when appointed by any court or judicial officer or body having jurisdiction; to do a general banking business; to receive deposits payable on demand; to receive time deposits on which interest may be allowed at such rate as agreed; to buy and sell exchange, and to do all such other things as are necessary in conducting a general banking business; to hold, buy, sell, and mortgage real estate and personal property, and to deal in, buy, and sell all kinds of Government, State, municipal, and other bonds, and all kinds of negotiable and nonnegotiable paper, stocks, investments, and other securities; to furnish abstracts of titles to all forms of realty, and to guarantee title of all kinds; to conduct a general business of transferring, registering, and countersigning certificates of stock, bonds, or other securities and evidences of indebtedness; to furnish space and facilities for the safekeeping of papers and valuables capable of being cared for by the company, and to receive deposits and safeguard the same; and it shall have power to do all lawful things appropriate or necessary to the accomplishment of all the aforesaid purposes.

Second. The capital stock is fifty thousand dollars, divided into shares of $25.00 each.

Third. Six thousand and six hundred dollars of said capital stock have been actually paid in by the subscribers hereto.

Fourth. The names of the stockholders and the number of shares owned by them, respectively, is as follows:

	No. of shares.
P. T. Foley	200
W. E. Stanley	200
P. S. Moseley	200
E. Jewett	200
A. B. Dunlap	200
W. M. Lucas	200
J. J. Downey	80
J. A. Orendorff	80

In testimony whereof the said P. T. Foley, president of said corporation, and J. J. Downey, J. A. Orendorff, W. M. Lucas, and A. B. Dunlap, a majority of the board of directors of said corporation, have hereunto set their hands on this 24th day of June, 1903.

P. T. Foley,
President.

J. J. Downey,
J. A. Orendorff,
W. M. Lucas,
A. B. Dunlap,
Directors.

United States of America,
Indian Territory, Southern District, ss:

On this 24th day of June, 1903, personally appeared before me, a notary public of the above-named district, J. J. Downey, J. A. Orendorff, W. M. Lucas, A. B. Dunlap, and P. T. Foley, on their oaths say that the matters and things in the foregoing certificate set out are true to the best of their knowledge and belief.

J. J. Downey.
J. A. Orendorff.
W. M. Lucas.
A. B. Dunlap.
P. T. Foley.

Subscribed and sworn to before me this the 24th day of June, 1903.

In testimony whereof I have hereunto set my hand and seal of office.

[seal.]

W. C. Rudisill,
Notary Public.

EXHIBIT 25.

UNITED STATES OF AMERICA,
Indian Territory, office of the clerk of the court of appeals:

I, William P. Freeman, clerk of the United States court of appeals in the Indian Territory, do hereby certify that the annexed seven pages contain a true, complete, and full copy of the articles of association and certificate of the board of directors of Canadian Valley Trust Company, of Muskogee, Indian Territory.

(Endorsed:) "Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 9th day of March, A. D. 1903," as appears by comparing the same with the original roll of said articles of association and certificate now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my seal at the city of South McAlester, Indian Territory, this 3rd day of October, A. D. nineteen hundred and three (1903).

[SEAL.]

WM. P. FREEMAN.
Clerk U. S. Court of Appeals, I. T.

Articles of agreement and incorporation of Canadian Valley Trust Company.

Know all men by these presents:

That the corporators hereinafter named have this day and by these presents formed a corporation under and in pursuance of an act of Congress approved February 18th, 1901, entitled "An act to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory," which said act provides for incorporations for manufacturing and other lawful business purposes in the Indian Territory, and in evidence thereof do hereby execute the following articles of incorporation:

First. The name of said corporation shall be Canadian Valley Trust Company.

Second. The corporators are Tams Bixby, Walter S. Dickey, William H. Ludwig, Joseph McCoy, Philip B. Hopkins, Cortland L. Long, William S. Harsha, William H. Angell, and Elmer W. McClure.

Third. The place of business is to be located at Muskogee, Indian Territory, and its office for transaction of business shall be in Muskogee, Indian Territory, or at such other place as the board of directors may select.

Fourth. The general nature of the business proposed to be transacted by this corporation is to accept and execute all such trusts and perform such duties of every description as may be committed to it by any person or persons whatsoever or any copartnership or corporation, and generally to have and exercise such powers as are usually had and exercised by trust companies.

To act as agent for the investment of money for other persons and corporations, and as agent for persons and corporations for the purpose of issuing, registering, transferring, or countersigning the certificates of stock, bonds, or other evidence of debt of any corporation, association, municipality, Territorial, State, or public authority, on such terms as may be agreed upon.

To hold, buy, sell, and deal in all kinds of Government, Territorial, State, municipal, and other bonds, and all kinds of negotiable and nonnegotiable paper, stocks, and other investment securities; to loan money upon real estate, personal, and other security, and to execute its notes and debentures, payable at a future date, and pledge its mortgages on real estate and other securities as security therefor.

To receive moneys in trust and to accumulate the same at such rates of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed, not exceeding in either case the legal rate; to receive deposits payable on demand; to buy and sell exchange, and to do all such other things as are necessary in conducting a general banking business.

To buy, rent, sell, lease, and mortgage real estate; to build houses and other structures thereon, and to otherwise improve the same.

Fifth. The amount of capital stock of said corporation shall be one hundred thousand (100,000) dollars, of which forty-five hundred dollars has been subscribed by the corporators aforesaid, and the residue thereof may be issued and disposed of as the board of directors may from time to time order and direct.

Sixth. The capital stock shall be divided into four thousand shares of the value of $25.00 each.

Seventh. The affairs and business of the corporation shall be conducted and controlled by a board of directors, consisting of nine members, all of whom shall be stockholders of the corporation. Said board of directors shall elect one of its members as president and one of its members as vice-president and one of its members as second vice-president, and shall also elect a secretary and treasurer.

Eighth. The first election of directors shall be held immediately after the organization of the corporation, and said directors shall serve for one year, and until their successors are elected.

Ninth. The board of directors are empowered to ordain and establish all by-laws and regulations necessary to the management and business of said corporation, and alter and repeal same at pleasure.

Tenth. The first meeting of said corporation for organization shall be held in Muskogee, Indian Territory, at the office of Tams Bixby, at one o'clock p. m. on the 23rd day of February, 1903. The subscribers hereto hereby waive notice of said meeting.

In testimony whereof we have hereunto set our hands on this the tenth day of February, 1903.

WILLIAM H. ANGELL.
ELMER W. MCCLURE.
TAMS BIXBY.
WALTER S DICKEY.
WILLIAM H. LUDWIG.
JOSEPH MCCOY.
PHILIP B. HOPKINS.
CORTLAND L. LONG.
WILLIAM S. HARSHA.

CERTIFICATE.

Whereas Tams Bixby, Walter S. Dickey, William H. Ludwig, Joseph McCoy, Philip B. Hopkins, Cortland L. Long, William S. Harsha, William H. Angell, and Elmer W. McClure have associated themselves together as a body politic and corporate to be known as Canadian Valley Trust Company; and

Whereas, the said corporators, being the subscribers to the capital stock of said corporation, have waived the fifteen days' notice as required by law and called a meeting for organization, to be held in Muskogee, Indian Territory, at the office of Tams Bixby, at one o'clock p. m. on the 23rd day of February, 1903; and

Whereas at the time and place above set out a meeting of the subscribers aforesaid was held to organize said corporation and elect nine directors; and

Whereas at said meeting the following-named persons were elected directors, to wit: Tams Bixby, Walter S. Dickey, William H. Ludwig, Joseph McCoy, Philip B. Hopkins, Cortland L. Long, William S. Harsha, William H. Angell, and Elmer W. McClure.

Whereas at a meeting of the said board of directors, Tams Bixby was elected president, and Cortland L. Long was elected vice-president, and Philip B. Hopkins was elected second vice-president and secretary, and William S. Harsha was elected treasurer.

Now, therefore, the said Tams Bixby, as president, and the said Walter S. Dickey, William H. Ludwig, Joseph McCoy, Philip B. Hopkins, Cortland L. Long, William S. Harsha, William H. Angell, and Elmer W. McClure, as directors, do, in pursuance of law, issue this, their certificate, verified by their oaths, and do hereby certify as follows:

First. Said corporation is formed for the purpose of accepting and executing all such trusts, and performing such duties of every description as may be committed to it by any person or persons whatsoever, or any copartnership or corporation, and generally to have and exercise such powers as are usually had and exercised by trust companies.

To act as agent for the investment of money for other persons and corporations, and as agent for persons and corporations for the purpose of issuing, registering, transferring, or countersigning the certificates of stock, bonds, or other evidence of debt of any corporation, association, municipality, Territorial, State, or public authority, on such terms as may be agreed upon.

To hold, buy, sell, and deal in all kinds of Government, Territorial, State, municipal, and other bonds, and all kinds of negotiable and nonnegotiable paper, stocks, and other investment securities; to loan money upon real estate, personal, and other security; and to execute its notes and debentures, payable at a future date, and pledge its mortgages on real estate and other securities as security therefor.

To receive moneys in trust, and to accumulate the same at such rates of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed, not exceeding in either case the legal rate; to receive deposits payable on demand; to buy and sell exchange, and to do all such other things as are necessary in conducting a general banking business.

To buy, rent, sell, lease, and mortgage real estate, to build houses and other structures thereon, and to otherwise improve the same.

Second. Its capital stock is *one hundred thousand dollars*, divided into shares of $25.00 each.

Third. *Forty-five hundred dollars* of said capital stock have been actually paid in by the subscribers hereto.

Fourth. The names of the stockholders and the number of shares owned by them, respectively, is as follows:

	No. of shares.
Tams Bixby	20
Walter S. Dickey	20
William H. Ludwig	20
Joseph McCoy	20
Philip B. Hopkins	20
Cortland L. Long	20
William S. Harsha	20
William H. Angell	20
Elmer W. McClure	20

In testimony whereof, the said Tams Bixby, president of said corporation, and Cortland L. Long, William S. Harsha, William H. Angell, Elmer W. McClure, Joseph McCoy, and Philip B. Hopkins, a majority of the board of directors of said corporation, have hereunto set their hands on this 23rd day of February, 1903.

TAMS BIXBY,
President.
ELMER W. MCCLURE,
JOSEPH MCCOY,
PHILIP B. HOPKINS,
CORTLAND L. LONG,
WILLIAM S. HARSHA,
WILLIAM H. ANGELL,
Directors.

UNITED STATES OF AMERICA,
Indian Territory, Western district, ss.:

Tams Bixby, Cortland L. Long, William S. Harsha, William H. Angell, Elmer W. McClure, Joseph McCoy, and Philip L. Hopkins, on their oaths say that the matters and things in the foregoing certificate set out are true, to the best of their knowledge and belief.

TAMS BIXBY.
WILLIAM S. HARSHA.
WILLIAM H. ANGELL.
ELMER W. MCCLURE.
JOSEPH MCCOY.
PHILIP B. HOPKINS.

Subscribed and sworn to before me, this the 23rd day of February, 1903.
In testimony whereof I have hereunto set my hand and seal of office.
[SEAL.] W. S. BOREN, *Notary Public.*

EXHIBIT 26.

UNITED STATES OF AMERICA,
Indian Territory. Office of the Clerk of the Court of Appeals.

I, William P. Freeman, clerk of the United States court of appeals in the Indian Territory, do hereby certify that the annexed four pages contain a true, complete, and full copy of the articles of association and certificate of the board of directors of the Muskogee Title and Trust Company, of Muskogee, Indian Territory.

(Endorsed:) "Filed in the office of the clerk of the United States court of appeals in the Indian Territory, this 25th day of February, A. D. 1903," as appears by comparing the same with the original roll of said articles of association and certificate now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my seal, at the city of South McAlester, Indian Territory, this 3rd day of October, A. D. nineteen hundred and three (1903).

[SEAL.] WM. P. FREEMAN,
Clerk U. S. Court of Appeals, I. T.

Articles of agreement and incorporation of the Muskogee Title and Trust Company.

Know all men by these presents:

That the corporators hereinafter named have this day, and by these presents, formed a corporation under and in pursuance of an act of Congress, approved February 18th, 1901, entitled "An act to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations and to make said provisions applicable to said Territory," which said act provides for incorporations for manufacturing and other lawful business purposes in the Indian Territory, and in evidence thereof do hereby execute the following articles of incorporation:

First. The name of said corporation shall be The Muskogee Title and Trust Company.

Second. The corporators are Tams Bixby, J. L. Dabbs, D. H. Middleton, Thomas P. Smith, J. L. Blakemore, F. C. Hubbard, Simon Garigan, Leo E. Bennett, A. C. Trumbo, J. Geo. Wright, N. A. Gibson, Joseph Sondheimer, and R. A. Evans.

Third. The place of business is to be located at Muskogee, Indian Territory, and its office for transaction of business shall be in Muskogee, Indian Territory, or at such other place as the board of directors may select.

Fourth. The general nature of the business proposed to be transacted by this corporation is to engage in a general loan and trust business, and a general banking business, to become surety upon official and other bonds, to conduct a general investment and brokerage business, to act as special and general agent, to act as administrator, executor, curator, and guardian, to conduct a general real estate and insurance business, to make and furnish abstracts of title, and to insure and guarantee titles, to act as receiver, assignee, and trustee, and in a general fiduciary capacity, to buy, sell, own, and lease land, to buy and sell stocks and bonds of other corporations.

Fifth. The amount of capital stock of said corporation shall be two hundred and fifty thousand dollars; of which twenty-one thousand five hundred dollars has been subscribed by the corporators aforesaid, and the residue thereof may be issued and disposed of as the board of directors may from time to time order and direct.

Sixth. The capital stock shall be divided into ten thousand shares, of the value of $25.00 each.

Seventh. The affairs and business of the corporation shall be conducted and controlled by a board of directors consisting of eleven members, all of whom shall be stockholders of the corporation. Said board of directors shall elect one of its members as president and one of its members as vice-president, and shall also elect a secretary and treasurer.

Eighth. The first election of directors shall be held immediately after the organization of the corporation, and said directors shall serve for one year and until their successors are elected.

Ninth. The board of directors are empowered to ordain and establish all by-laws and regulations necessary to the management and business of said corporation, and alter and repeal same at pleasure.

Tenth. The first meeting of said corporators for organization shall be held in Muskogee, Indian Territory, at the office of the First National Bank, at 3.30 o'clock p. m., on the 24th day of February, 1903. The subscribers hereto hereby waive notice of said meeting.

In testimony whereof we have hereunto set our hands on this the 24th day of February, 1903.

TAMS BIXBY.
THOS. P. SMITH.
J. L. BLAKEMORE.
J. L. DABBS.
A. C. TRUMBO.
D. H. MIDDLETON.
LEO E. BENNETT.
F. C. HUBBARD.
N. A. GIBSON.

CERTIFICATE.

Whereas Tams Bixby, J. L. Dabbs, D. H. Middleton, Thomas P. Smith, J. L. Blakemore, F. C. Hubbard, Simon Garigan, Leo E. Bennett, A. C. Trumbo, J. Geo. Wright, and N. A. Gibson have associated themselves together as a body politic and corporate, to be known as the Muskogee Title and Trust Company.

And whereas the said corporators, being the subscribers to the capital stock of the said corporation, have waived the fifteen days' notice as required by law, and called

a meeting for organization, to be held in Muskogee, Indian Territory, at the office of the First National Bank, at 3.30 o'clock p. m., on the 24th day of February, 1903.

Whereas at the time and place above set out a meeting of the subscribers aforesaid was held to organize said corporation and elect eleven directors; and

Whereas at said meeting the following named persons were elected directors, to wit: Tams Bixby, J. L. Dabbs, D. H. Middleton, Thomas P. Smith, J. L. Blakemore, F. C. Hubbard, Leo E. Bennett, A. C. Trumbo, Joseph Sondheimer, N. A. Gibson, and R. A. Evans; and

Whereas at a meeting of the said board of directors J. L. Blakemore was elected president, and F. C. Hubbard and Thos. P. Smith were elected vice-presidents, and N. A. Gibson was elected secretary, and J. L. Dabbs was elected treasurer.

Now, therefore, the said J. L. Blakemore, as president, and the said Tams Bixby, J. L. Dabbs, D. H. Middleton, Thomas P. Smith, F. C. Hubbard, Leo E. Bennett, A. C. Trumbo, Joseph Sondheimer, N. A. Gibson, and R. A. Evans, as directors, do, in pursuance of law, issue this, their certificate, verified by their oaths, and do hereby certify as follows:

First. Said corporation is formed for the purpose of engaging in a general loan and trust business, and a general banking business, of becoming surety upon official and other bonds, of conducting a general investment and brokerage business, of acting as special and general agent, of acting as administrator, executor, curator, and guardian, of conducting a general real estate and insurance business, of making and furnishing abstracts of title and insuring and guaranteeing titles, of acting as receiver, assignee, and trustee, and in a general fiduciary capacity of buying, selling, owning and leasing land, of buying and selling stocks and bonds of other corporations.

Second. Its capital stock is two hundred and fifty thousand dollars, divided into shares of $25.00 each.

Third. Twenty thousand dollars of said capital stock have been actually paid in by the subscribers hereto.

Fourth. The names of the stockholders and the number of shares owned by them, respectively, is as follows:

	No. of shares.
Tams Bixby	100
Thos. P. Smith	100
J. L. Blakemore	40
J. L. Dabbs	100
A. C. Trumbo	100
D. H. Middleton	100
Leo E. Bennett	100
F. C. Hubbard	100
Joseph Sondheimer	40
N. A. Gibson	40
R. A. Evans	40

In testimony whereof the said J. L. Blakemore, president of said corporation, and Tams Bixby, J. L. Dabbs, D. H. Middleton, Thomas P. Smith, F. C. Hubbard, Leo E. Bennett, A. C. Trumbo, and N. A. Gibson, a majority of the board of directors of said corporation, have hereunto set their hands on this 24th day of February, 1903.

J. L. Blakemore,
President.

Tams Bixby,
Thos. P. Smith,
J. L. Dabbs,
A. C. Trumbo,
D. H. Middleton,
Leo E. Bennett,
F. C. Hubbard,
N. A. Gibson,
Directors.

UNITED STATES OF AMERICA,
Indian Territory, Western District, ss:

J. L. Blakemore, Tams Bixby, Thos. P. Smith, J. L. Dabbs, A. C. Trumbo, D. H. Middleton, Leo E. Bennett, F. C. Hubbard, and N. A. Gibson, on their oaths say that the matters and things in the foregoing certificate set out are true, to the best of their knowledge and belief.

J. L. BLAKEMORE.
TAMS BIXBY.
THOS. P. SMITH.
J. L. DABBS.
A. C. TRUMBO.
D. H. MIDDLETON.
LEO E. BENNETT.
F. C. HUBBARD.
N. A. GIBSON.

Subscribed and sworn to before me this the 24th day of February, 1903.
In testimony whereof I have hereunto set my hand and seal of office.
[SEAL.] W. T. WISDOM, *Notary Public.*

My commission expires July 2, 1906.
Filed in the office of the Clerk of the United States court of appeals, in the Indian Territory, this 25th day of February, A. D. 1903.

WM. P. FREEMAN,
Clerk of U. S. Court of Appeals, I. T.

Recorded in vol. 3, Record for Articles of Incorporation, at page 48, this 25th day of February, 1903.

WM. P. FREEMAN,
Clerk of U. S. Court of Appeals, I. T.

EXHIBIT 27.

UNITED STATES OF AMERICA,
Indian Territory. Office of the Clerk of the Court of Appeals.

I, William P. Freeman, clerk of the United States court of appeals in the Indian Territory, do hereby certify that the annexed eight pages contain a true, complete, and full copy of the articles of association and certificate of the board of directors of Eufaula Trust Company, of Eufaula, Indian Territory.

(Endorsed:) "Filed in the office of the clerk of the United States court of appeals in the Indian Territory, this 15th day of May, A. D. 1903," as appears by comparing the same with the original roll of said articles of association and certificate now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my seal at the city of South McAlester, Indian Territory, this 3rd day of October, A. D. nineteen hundred and three (1903).

[SEAL.] WM. P. FREEMAN,
Clerk, U. S. Court of Appeals, I. T.

Articles of agreement and incorporation of Eufaula Trust Company.

Know all men by these presents:

That the corporators hereinafter named have this day, and by these presents, formed a corporation under and in pursuance of an act of Congress approved February 18th, 1901, entitled "An act to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory," which said act provides for incorporations for manufacturing and other lawful business purposes in the Indian Territory, and in evidence thereof do hereby execute the following articles of incorporation:

First. The name of said corporation shall be Eufaula Trust Company.

Second. The corporators are C. H. Tully, W. G. Morhart, F. W. Ahrens, F. C. Owens, Mrs. B. L. Owen, W. A. Briscoe, J. C. Smock, W. T. Fears, Chas. Gibson, Thos. B. Moore, W. W. Barrett, C. E. Foley, P. Porter, W. T. Hutchings, W. E.

Rowsey, S. W. Fordyce, A. W. Robb, C. R. Breckenridge, John J. Hemphill, T. B. Needles.

Third. The place of business is to be located at Eufaula, I. T., and its office for transaction of business shall be in Eufaula, I. T., or at such other place as the board of directors may select.

Fourth. The general nature of the business proposed to be transacted by this corporation is to act as agent, trustee, assignee, executor, administrator, guardian, receiver, or other personal or legal representative, when designated by any person, corporation, or court so to do; to do a general fiduciary and depositary business; to act as surety and guarantee of the fidelity of employees, trustees, executors, administrators, guardians, receivers, assignees, or others appointed to or assuming the performance of any trust, public or private, under appointment by any court or tribunal, or under contract between private individuals or corporations; also on any undertaking, bond or bonds, which may be required to be filed in any judicial proceeding; to act as executor or testamentary guardian, when designated as such by will, or to act as administrator or guardian when appointed by any court or judicial officer or body having jurisdiction.

To do a general banking business; to receive deposits payable on demand; to receive time deposits, on which interest may be allowed at such rate as agreed; to buy and sell exchange and to do all such other things as are necessary in conducting a general banking business.

To hold, buy, sell, and mortgage real estate, and to deal in, buy, and sell all kind of Government, State, municipal, and other bonds, and all kinds of negotiable and nonnegotiable paper, stocks, and other investment securities.

To furnish abstracts of titles to all forms of realty, and to guarantee titles of all kinds.

To furnish space and facilities for the safe-keeping of papers and valuables capable of being cared for by the company, and to receive, deposit, and safeguard the same.

Fifth. The amount of capital stock of said corporation shall be two hundred and fifty thousand dollars; of which ——— dollars has been subscribed by the corporators aforesaid, and the residue thereof may be issued and disposed of as the board of directors may from time to time order and direct.

Sixth. The capital stock shall be divided into ten thousand shares, of the value of $25.00 each.

Seventh. The affairs and business of the corporation shall be conducted and controlled by a board of directors, consisting of twenty members, all of whom shall be stockholders of the corporation. Said board of directors shall elect one of its members as president and one of its members as vice-president, and shall also elect a secretary and treasurer.

Eighth. The first election of directors shall be held immediately after the organization of the corporation, and said directors shall serve for one year and until their successors are elected.

Ninth. The board of directors are empowered to ordain and establish all by-laws and regulations necessary to the management and business of the corporation, and alter and repeal same at pleasure.

Tenth. The first meeting of said corporators for organization shall be held in Muskogee, I. T., at the office of Hutchings, West & Parker, at ten o'clock a. m., on the 17th day of March, 1903. The subscribers hereto hereby waive notice of said meeting.

In testimony whereof we have hereunto set our hands on this the 16th day of March, 1903.

C. R. Breckenridge.
Katherine C. Breckenridge.
J. C. Smock.
Charles Gibson.
W. T. Fears.
Phil Brown.
F. C. Owen.
F. W. Ahrens.
C. H. Tully.
W. G. Morhart.
A. W. Robb.
T. B. Needles.
J. S. Stapler.
P. Porter.
W. E. Rowsey.

CERTIFICATE.

Whereas C. H. Tully, W. G. Morhart, F. W. Ahrens, F. C. Owens, Mrs. B. L. Owen, W. S. Briscoe, J. C. Smock, W. T. Fears, Chas. Gibson, Thos. B. Moore, W. W. Barrett, C. E. Foley, P. Porter, W. T. Hutchings, W. E. Rowsey, S. W. Fordyce, A. W. Robb, C. R. Breckenridge, John J. Hemphill, T. B. Needles have associated themselves together as a body politic and corporate, to be known as Eufaula Trust Company.

And whereas the said corporators, being the subscribers to the capital stock of the said corporation, have waived the fifteen days' notice as required by law, and called a meeting for organization, to be held in Muscogee, Ind. T., at the office of Hutchings, West & Parker, at 10 o'clock a. m. on the 17th day of March, 1903.

Whereas at the time and place above set out, a meeting of the subscribers aforesaid was held to elect twenty directors; and

Whereas at said meeting the following-named persons were elected directors, to wit: J. C. Smock, Phil Brown, F. W. Ahrens, C. H. Tully, W. W. Barrett, W. T. Fears, F. C. Owen, Chas. Gibson, W. G. Morhart, W. A. Briscoe, C. E. Foley, P. Porter, W. T. Hutchings, W. E. Rowsey, S. W. Fordyce, T. B. Moore, A. W. Robb, C. R. Breckinridge, Jno. J. Hemphill, T. B. Needles;

Whereas at a meeting of the said board of directors, C. E. Foley was elected president, and C. H. Tully was elected vice-president, and W. W. Barrett was elected secretary, and W. W. Barrett was elected treasurer:

Now, therefore, the said C. E. Foley, as president, and the said J. C. Smock, J. T. Crane, F. W. Ahrens, C. H. Tully, W. W. Barrett, W. T. Fears, F. C. Owen, Chas. Gibson, W. G. Morhart, W. A. Briscoe, P. Porter, W. T. Hutchings, W. F. Rowsey, S. W. Fordyce, T. B. Moore, A. W. Robb, C. R. Breckinridge, Jno. J. Hemphill, T. B. Needles, as directors, do in pursuance of law issue this their certificate, verified by their oaths, and do hereby certify as follows:

First. The general nature of the business proposed to be transacted by this corporation is to act as agent, trustee, assignee, executor, administrator, guardian, receiver, or other personal or legal representative, when designated by any person, corporation, or court so to do; to do a general fiduciary and depositary business; to act as surety and guarantee of the fidelity of employees, trustees, executors, administrators, guardians, receivers, assignees, or others appointed to or assuming the performance of any trust, public or private, under appointment by any court or tribunal, or under contract between private individuals or corporations;

Also on any undertaking, bond, or bonds which may be required to be filed in any judicial proceeding;

To act as executor or testamentary guardian, when designated as such by will, or to act as administrator or guardian when appointed by any court or judicial officer or body having jurisdiction;

To do a general banking business; to receive deposits payable on demand; to receive time deposits on which interest may be allowed at such rate as agreed; to buy and sell, exchange, and to do all such other things as are necessary in conducting a general banking business;

To hold, buy, sell, and mortgage real estate, and to deal in, buy, and sell all kinds of Government, State, municipal, and other bonds, and all kinds of negotiable and nonnegotiable paper, stocks, and other investment securities;

To furnish abstracts of titles to all forms of realty, and to guarantee titles of all kinds;

To furnish space and facilities for the safe-keeping of papers and valuables capable of being cared for by the company, and to receive, deposit, and safeguard the same.

Second. Its capital stock is two hundred and fifty thousand dollars, divided into shares of $25.00 each.

Third. ——— dollars of said capital stock have been actually paid in by the subscribers hereto.

Fourth. The names of the stockholders and the number of shares owned by them, respectively, is as follows:

	No. of shares.
C. H. Tully	200
W. G. Morhart	80
F. W. Ahrens	20
F. C. Owen	8
Mrs. B. L. Owen	20
W. S. Briscoe	20
J. C. Smock	20
W. T. Fears	20

	No. of shares.
Chas. Gibson	2
Thos. B. Moore	20
W. W. Barrett	400
C. E. Foley	1,000
P. Porter	200
W. T. Hutchings	20
W. E. Rowsey	160
C. L. Jackson	40
S. W. Fordyce	400
Phil Brown	32
J. T. Crane	4
A. W. Robb	200
C. R. Breckenridge	8
John J. Hemphill	6
T. B. Needles	200
Catherine C. Breckenridge	1,000
J. S. Stapler	200
Mary C. Breckenridge	80
Mary B. Maltby	400
F. B. Fite	40
W. W. Carson	200

In testimony whereof the said C. E. Foley, president of said corporation, and a majority of the board of directors of said corporation have hereunto set their hands on this 15th day of May, 1903.

C. E. Foley, *President.*
J. C. Smock,
F. W. Ahrens,
W. G. Morhart,
W. W. Barrett,
C. H. Tully,
F. C. Owen,
W. A. Briscoe,
Chas. Gibson,
W. T. Fears,
Phil Brown,
Directors.

United States of America,
Indian Territory, Western District, ss:

J. C. Smock, F. W. Ahrens, C. H. Tully, W. W. Barrett, W. T. Fears, F. C. Owens, Chas. Gibson, W. G. Morhart, W. S. Briscoe, C. E. Foley, and T. B. Moore on their oaths say that the matters and things in the foregoing certificate set out are true, to the best of their knowledge and belief.

J. C. Smock.
F. W. Ahrens.
C. E. Foley.
W. G. Morhart.
Phil Brown.
W. W. Barrett.
C. H. Tully.
F. C. Owens.
W. A. Briscoe.
Chas. Gibson.
W. T. Fears.

Subscribed and sworn to before me this the 15th day of May, 1903.
In testimony whereof I have hereunto set my hand and seal of office.
[seal.] F. G. Bailey, *Notary Public.*

Exhibit 28.

United States of America,
Indian Territory, office of the clerk of the court of appeals:

I, William P. Freeman, clerk of the United States court of appeals in the Indian Territory, do hereby certify that the annexed four pages contain a true, complete,

and full copy of the articles of association and certificate of the board of directors of Tribal Development Company, of Tishomingo, Indian Territory.

(Endorsed:) "Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 1st day of April, A. D. 1903," as appears by comparing the same with the original roll of said articles of association and certificate now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my seal, at the city of South McAlester, Indian Territory, this 3rd day of October, A. D. nineteen hundred and three (1903).

[SEAL.]

WM. P. FREEMAN,
Clerk U. S. Court of Appeals, I. T.

Articles of Agreement and Incorporation of Tribal Development Company, of Tishomingo, Ind. Terr.

Know all men by these presents:

That the corporators hereinafter named have this day, and by these presents, formed a corporation, under and in pursuance of an act of Congress, approved February 18th, 1901, entitled "An act to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations and to make said provisions applicable to said Territory," which said act provides for incorporations for manufacturing and other lawful business purposes in the Indian Territory, and in evidence thereof do hereby execute the following articles of incorporation:

First. The name of said corporation shall be Tribal Development Company.

Second. The corporators are Guy P. Cobb, W. C. Perry, W. C. Gunn, P. L. Soper, S. L. Williams, R. M. Harris, G. W. Burris, B. H. Colbert, Kirby Purdom, P. S. Mosely and Jesse L. Jordan.

Third. The place of business is to be located at Tishomingo, Indian Territory, and its office for transaction of business shall be in Tishomingo, Indian Territory, or at such other place as the board of directors may select.

Fourth. The general nature of the business proposed to be transacted by this corporation is to purchase, own, sell, encumber, lease, sublease, and exchange real estate, and improve the same; to act as agent and broker in real estate transactions; and to act as agent for insurance companies, and to make, furnish, and certify abstracts of title.

Fifth. The amount of capital stock of said corporation shall be one hundred thousand dollars, of which thirty thousand dollars has been subscribed by the corporators aforesaid, and the residue thereof may be issued and disposed of as the board of directors may from time to time order and direct.

Sixth. The capital stock shall be divided into four thousand shares of the value of $25.00 each.

Seventh. The affairs and business of the corporation shall be conducted and controlled by a board of directors, consisting of eleven members, all of whom shall be stockholders of the corporation. Said board of directors shall elect one of its members as president, and one of its members as vice-president, and shall also elect a secretary and treasurer.

Eighth. The first election of directors shall be held immediately after the organization of the corporation, and said directors shall serve for one year and until their successors are elected.

Ninth. The board of directors are empowered to ordain and establish all by-laws and regulations necessary to the management and business of said corporation, and alter and repeal same at pleasure.

Tenth. The first meeting of said corporators for organization shall be held in Tishomingo, Indian Territory, at the office of the Bank of the Chickasaw Nation, at 4 o'clock p. m., on the 25th day of March, 1903. The subscribers hereto hereby waive notice of said meeting.

In testimony whereof, we have hereunto set our hands, on this the 25th day of March, 1903.

W. C. PERRY.
JESSE L. JORDAN.
P. L. SOPER.
GEO. W. BURRIS.
GUY P. COBB.
P. S. MOSELY.
S. L. WILLIAMS.
R. M. HARRIS.
W. C. GUNN.
KIRBY PURDOM.
B. H. COLBERT.

CERTIFICATE.

Whereas Guy P. Cobb, W. C. Perry, W. C. Gunn, P. L. Soper, S. L. Williams, R. M. Harris, G. W. Burris, B. H. Colbert, Kirby Purdom, and P. S. Mosely have associated themselves together as a body politic and corporate, to be known as Tribal Development Company.

And whereas the said corporators, being the subscribers to the capital stock of the said corporation, have waived the fifteen days' notice as required by law and called a meeting for organization, to be held in Tishomingo, I. T., at the office of the Bank of the Chickasaw Nation, at 4 o'clock p. m., on the 25th day of March, 1903.

Whereas at the time and place above set out a meeting of the subscribers aforesaid was held to organize said corporation and elect eleven directors, and

Whereas at said meeting the following named persons were elected directors, to-wit:

Guy P. Cobb, W. C. Perry, W. C. Gunn, P. L. Soper, S. L. Williams, R. M. Harris, G. W. Burris, B. H. Colbert, Kirby Purdom, P. S. Mosely, and Jesse L. Jordan, and

Whereas at a meeting of the said board of directors P. S. Mosely was elected president and P. L. Soper was elected vice-president, and

G. W. Burris was elected secretary and Guy P. Cobb was elected treasurer.

Now, therefore, the said P. S. Mosely as president, and the said Guy P. Cobb, W. C. Perry, W. C. Gunn, P. L. Soper, S. L. Williams, R. M. Harris, G. W. Burris, B. H. Colbert, Kirby Purdom, P. S. Mosely, and Jesse L. Jordan as directors, do, in pursuance of law, issue this their certificate, verified by their oaths, and do hereby certify as follows:

First. Said corporation is formed for the purpose of to purchase, own, sell, encumber, lease, sublease, and exchange real estate and improve the same; to act as agent and broker in real estate transactions; to act as agent for insurance companies, and to make, furnish, and certify abstracts of title.

Second. Its capital stock is one hundred thousand dollars, divided into shares of $25.00 each.

Third. Twelve thousand dollars of said capital stock have been actually paid in by the subscribers hereto.

Fourth. The names of the stockholders and the number of shares owned by them, respectively, is as follows:

	No. of shares.
Guy P. Cobb	240
S. L. Williams	40
Jesse L. Jordan	80
W. C. Gunn	135
W. C. Perry	135
P. L. Soper	130
G. W. Burris	20
B. H. Colbert	60
Kirby Purdom	60
R. M. Harris	60
W. F. Bourland	20
E. B. Henshaw	20
P. S. Mosely	20
W. T. Ward	180

In testimony whereof the said P. S. Mosely, president of said corporation, and Guy P. Cobb, W. C. Perry, W. C. Gunn, P. L. Soper, S. L. Williams, R. M. Harris, G. W. Burris, B. H. Colbert, Kirby Purdom, P. S. Mosely, and Jesse L. Jordan, a majority of the board of directors of said corporation, have hereunto set their hands on this 25th day of March, 1903.

P. S. Mosely, *President.*
S. L. Williams,
R. M. Harris,
W. C. Gunn,
Guy P. Cobb,
Kirby Purdom,
P. L. Soper,
W. C. Perry,
Jesse L. Jordan,
Geo. W. Burris,
B. H. Colbert,
Directors.

UNITED STATES OF AMERICA,
Indian Territory, Southern District ss:

Guy P. Cobb, W. C. Perry, W. C. Gunn, P. L. Soper, S. L. Williams, R. M. Harris, G. W. Burris, B. H. Colbert, Kirby Purdom, P. S. Mosely, and Jesse L. Jordan on their oaths say that the matters and things in the foregoing certificate set out are true, to the best of their knowledge and belief.

GUY P. COBB.
KIRBY PURDOM.
B. H. COLBERT.
P. S. MOSELY.
W. C. PERRY.
JESSE L. JORDAN.
GEO. W. BURRIS.
P. L. SOPER.
KIRBY PURDOM.
S. L. WILLIAMS.
R. M. HARRIS.
W. C. GUNN.

Subscribed and sworn to before me, this the 25th day of March, 1903.
In testimony whereof I have hereunto set my hand and seal of office.
[SEAL.]

T. B. MCLISH,
Notary Public, Southern Dist., Ind. Ter.

My commission expires Dec. 30, 1905.
Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 1st day of April, A. D. 1903.

WM. P. FREEMAN,
Clerk of U. S. Court of Appeals, I. T.

Recorded in vol. 3, Record for Articles of Incorporation, at page 80, this 1st day of April, 1903.

WM. P. FREEMAN,
Clerk of U. S. Court of Appeals, I. T.

EXHIBIT 29.

UNITED STATES OF AMERICA,
Indian Territory, office of the clerk of the court of appeals:

I, William P. Freeman, clerk of the United States court of appeals in the Indian Territory, do hereby certify that the annexed thirteen pages contain a true, complete, and full copy of the articles of association and certificate of the board of directors of the Bradley Real Estate Company, of Muskogee, Indian Territory.

(Endorsed:) "Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 16th day of October, A. D. 1901," and the certificate of increase of capital stock of said corporation, endorsed, "Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 5th day of March, A. D. 1902," also the certificate showing the change of name of said corporation to the Bradley Realty, Bank and Trust Company, of Muskogee, Indian Territory.

(Endorsed:) "Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 26th day of October, A. D. 1903," as appears by comparing the same with the original roll of said articles of association and certificate now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my seal at the city of South McAlester, Indian Territory, this 16th day of November, A. D. nineteen hundred and three (1903).
[SEAL.]

WM. P. FREEMAN,
Clerk U. S. Court of Appeals, I. T.

Articles of agreement and incorporation of the Bradley Real Estate Company, of Muskogee, Indian Territory.

Know all men by these presents:

That the corporators hereinafter named have this day, and by these presents, formed a corporation under and in pursuance of an act of Congress approved February 18th, 1901, entitled "An act to put in force in the Indian Territory certain pro-

visions of the laws of Arkansas relating to corporations and to make said provisions applicable to said Territory," which said act provides for incorporations for manufacturing and other lawful business purposes in the Indian Territory, and in evidence thereof do hereby execute the following articles of incorporation:

First. The name of said corporation shall be the Bradley Real Estate Company.

Second. The corporators are C. M. Bradley, G. H. Alexander, and N. A. Gibson.

Third. The place of business is to be located at Muskogee, Indian Territory, and its office for transaction of business shall be in Muskogee, Indian Territory, or at such other place as the board of directors may select.

Fourth. The general nature of the business proposed to be transacted by this corporation is to buy and sell real estate; to lend money and negotiate loans; to lease lands and make abstracts of title; to conduct a general real estate and brokerage business.

Fifth. The amount of capital stock of said corporation shall be one thousand dollars, of which one hundred and fifty dollars has been subscribed by the corporators aforesaid, and the residue thereof may be issued and disposed of as the board of directors may from time to time order and direct.

Sixth. The capital stock shall be divided into forty shares, of the value of $25.00 each.

Seventh. The affairs and business of the corporation shall be conducted and controlled by a board of directors consisting of three members, all of whom shall be stockholders of the corporation. Said board of directors shall elect one of its members as president, and one of its members as vice-president, and shall also elect a secretary and treasurer.

Eighth. The first election of directors shall be held immediately after the organization of the corporation, and said directors shall serve for one year and until their successors are elected.

Ninth. The board of directors are empowered to ordain and establish all by-laws and regulations necessary to the management and business of said corporation, and alter and repeal same at pleasure.

Tenth. The first meeting of said corporators for organization shall be held in Muskogee, Indian Territory, at the office of C. M. Bradley, at 9 o'clock p, on the 28th day of September, 1901. The subscribers hereto hereby waive notice of said meeting.

In testimony whereof we have hereunto set our hands on this the 28th day of September, 1901.

C. M. Bradley.
G. H. Alexander.
N. A. Gibson.

CERTIFICATE.

Whereas C. M. Bradley, G. H. Alexander, and N. A. Gibson have associated themselves together as a body politic and corporate, to be known as the Bradley Real Estate Company:

And whereas the said corporators, being the subscribers to the capital stock of the said corporation, have waived the fifteen days' notice as required by law, and called a meeting for organization, to be held in Muskogee, Indian Territory, at the office of C. M. Bradley, at 9 o'clock p. m., on the 28th day of September, 1901.

Whereas at the time and place above set out a meeting of the subscribers aforesaid was held to organize said corporation and elect three directors; and

Whereas at said meeting the following-named persons were elected directors, to wit:

C. M. Bradley, G. H. Alexander, and N. A. Gibson; and

Whereas at a meeting of the said board of directors, C. M. Bradley was elected president, and N. A. Gibson was elected vice-president, and G. H. Alexander was elected secretary, and G. H. Alexander was elected treasurer.

Now, therefore, the said C. M. Bradley, as president, and the said G. H. Alexander and N. A. Gibson, as directors, do in pursuance of law, issue this, their certificate, verified by their oaths, and do hereby certify as follows:

First. Said corporation is formed for the purpose of buying and selling real estate, lending money and negotiating loans, leasing lands, making abstracts of title, and conducting a general real estate and brokerage business.

Second. Its capital stock is one thousand dollars, divided into shares of $25.00 each.

Third. Fifty dollars of said capital stock have been actually paid in by the subscribers hereto.

Fourth. The names of the stockholders and the number of shares owned by them, respectively, is as follows:

	No. of shares.
C. M. Bradley	2
G. H. Alexander	2
N. A. Gibson	2

In testimony whereof the said C. M. Bradley, president of said corporation, and G. H. Alexander and N. A. Gibson, a majority of the board of directors of said corporation, have hereunto set their hands on this 28th day of September, 1901.

C. M. Bradley,
President.
G. H. Alexander,
N. A. Gibson,
Directors.

United States of America,
Indian Territory, Northern District, ss:

C. M. Bradley, G. H. Alexander, N. A. Gibson, on their oaths, say that the matters and things in the foregoing certificate set out are true to the best of their knowledge and belief.

C. M. Bradley.
G. H. Alexander.
N. A. Gibson.

Subscribed and sworn to before me this the 28th day of September, 1903.
In testimony whereof I have hereunto set my hand and seal of office.

[seal.] W. T. Wisdom,
Notary Public.

Filed in the office of the clerk of the United States court of appeals in the Indian Territory this 16th day of October, A. D. 1901.

Wm. P. Freeman,
Clerk of U. S. Court of Appeals, I. T.

Recorded in vol. 1, record for articles of incorporation, at page 90, this 23d day of October, 1901.

Wm. P. Freeman,
Clerk of U. S. Court of Appeals, I. T.

Certificate of increase of capital stock of the Bradley Real Estate Company, of Muskogee, Indian Territory.

Know all men by these presents:

That at a regular meeting of the stockholders of the Bradley Real Estate Company, a corporation organized and existing under the laws of the United States in force in the Indian Territory, held at the office of the company in Muskogee, Indian Territory, at 8 o'clock p. m. on the 6th day of January, 1902, among other proceedings had was the following:

"Upon motion a committee consisting of Messrs. New, Gibson, and Bixby was appointed by the president to formulate a plan for increasing the capital stock of the said company, and to report at the next regular meeting of the stockholders of said company."

And that at a regular meeting of the stockholders of said company, at the office of said company, on the 3rd day of February, 1902, at 8 o'clock p. m., at which meeting there was present a majority of all of the stockholders of said company, representing a majority of the stock, the said stockholders having been specially warned by written notice of the business to come before the said meeting, particularly in reference to the increase of the capital stock of the said company, the following proceedings were had:

"The committee appointed at the regular January meeting of the said company submit a written report recommending an increase of the capital stock to $5,000, which report, upon motion of Mr. W. E. Linton, one of the stockholders of the said company, was amended to read $10,000, and that the said motion, being put to a vote, was carried by the unanimous vote of all the stockholders present."

And that thereafter, in accordance with the said resolution and action of the stockholders, the capital stock of the said company was increased to the sum of $10,000.

CERTIFICATE.

We, C. M. Bradley, president, and G. H. Alexander, N. A. Gibson, W. S. Boren, and A. P. McKellop, the said C. M. Bradley being president of the Bradley Real Estate Company, a corporation, and the other-named parties being the board of directors, with the said C. M. Bradley, of the said corporation, do hereby certify that at a regular meeting of the stockholders of the said Bradley Real Estate Company, held at the office of the said company on February 3rd, 1902, at 8 o'clock p. m., of which meeting, and the objects of said meeting, the stockholders had been specially warned, it was unanimously resolved by the said stockholders that the capital stock of the said corporation be increased to $10,000, the same to be divided into four hundred shares of the par value of $25 each, and that the capital stock of the said corporation has been increased to the sum of $10,000, in accordance with the said resolution.

C. M. BRADLEY,
President.

G. A. ALEXANDER,
N. A. GIBSON,
W. S. BOREN,
Directors.

UNITED STATES OF AMERICA,
Indian Territory, Northern District, ss:

C. M. Bradley, G. H. Alexander, N. A. Gibson, W. S. Boren, and A. P. McKellop, on their oaths, say that the matters and things in the foregoing certificate set out are true, to the best of their knowledge and belief.

C. M. BRADLEY.
G. H. ALEXANDER.
N. A. GIBSON.
W. S. BOREN.

Subscribed and sworn to before me this 4th day of Feb., 1902.
In testimony whereof I have hereunto set my hand and seal of office.
[SEAL.] S. B. DAWES, *Notary Public.*

(Endorsed:) "Filed in the office the clerk of the United States court of appeals, in the Indian Territory, this 5th day of March, A. D. 1902.

"WM. P. FREEMAN, *Clerk.*

"Recorded Book No. 2, page 120."

CERTIFICATE.

Whereas the stockholders of the Bradley Real Estate Company, at the annual meeting held in the city of Muskogee, Indian Territory, on the 5th day of October, 1903, did amend the articles of incorporation as follows:

First. That the name of the said corporation shall be Bradley Realty, Bank and Trust Company.

Fourth. That the general nature of the business proposed to be transacted by this corporation is to act as agent, trustee, assignee, receiver, executor, administrator, guardian, or other personal or legal representative, when designated or appointed by any person, company, corporation, or court to act as surety and guarantor, and to make insurance for the fidelity of persons holding positions of trust, fidelity, and responsibility, by agreement of individuals, companies or corporations (public or private), or by appointment by any court or tribunal; also on any undertaking, bond or bonds, which may be required to be filed in any judicial proceeding; to act as executor or testamentary guardian, when designated as such by will, or to act as administrator or guardian, when appointed by any court or judicial officer or body having competent jurisdiction. To act as agent or trustee for the purpose of issuing or countersigning the certificates of stock, bonds, or other obligations of any corporations, association, municipality, State or public authority, and to receive and manage any sinking fund therefor, upon such terms as may be agreed upon.

To maks abstracts of titles of real estate and to personal property, for its own use and for the use of other persons, and to guarantee and insure owners of real estate from loss by reason of defective titles and incumbrances.

To do a general trust, fiduciary, and depository business. To receive and hold on deposit and in trust and as security, estate, real and personal, diamonds, jewelry, plate, stocks, notes, bonds, papers and other obligations, and evidences of indebted-

ness or value, of States, counties, school districts, individuals, companies and corporations (public and private), and valuable property of every description, and the same to purchase, make advances upon, collect, hypothecate, adjust, settle, sell, and dispose of in any manner, without proceedings in law or equity, for such price and on such terms as may be agreed upon with the corporations, companies, or individuals contracting with it.

To provide suitable and sufficient fire and burglar proof safes, vaults, safe-deposit boxes, and other facilities for the safe-keeping of diamonds, jewelry, plate, stocks, bonds, insurance policies, wills and other valuable papers, and property of every kind, intrusted to its care and capable of being cared for by the company.

To carry on the general business and exercise all the powers, responsibilities, and obligations usual and proper of a safe-deposit company.

To receive money on deposit, either on current account to be drawn upon by check, or on certificate payable at such time as may be desired or specified, with or without interest, as agreed upon between the depositor and the corporation; to act as depository for banks, trust funds, receiverships, assignees, courts, corporations, and individuals; to buy and sell exchange; to buy, discount, sell, make advances upon, pledge, and hypothecate all kinds of Government, State, county, township, school district, municipal, and other bonds, warrants, and securities, and all other kinds of negotiable and nonnegotiable paper, stocks, bonds, mortgages, evidences of indebtedness, and other investment securities of individuals, companies, and public and private corporations.

To transact and do all such other things as are necessary, proper, and usual in conducting a general banking business.

To secure, take, purchase, own, buy, acquire, hold, sell, lease, mortgage, release, loan money upon, or otherwise deal in or dispose of any lands or interests therein, any real-estate notes secured by mortgage, trust deed, or interest thereon, any note secured by collateral or interest therein; any debenture bonds, public or private, with fixed security or interest therein; any shares of capital stock of incorporated companies, with or without dividends; any contracts or evidences of indebtedness, or any municipal, public, or private corporations due or to become due; any securities, obligations, contracts, evidences of indebtedness of every kind and character, and other property held or owned by this corporation.

To manage, care for, and do any and all things tending to increase the value or improve upon the property of any and all realty, security, or evidences of indebtedness held or owned by the corporation. To issue debenture bonds, the payment of which is guaranteed by pledges of security placed in the hands of the trustee or a legally incorporated trust company, secured to the same by a bill of sale, mortgage, or trust deed upon the whole or part of the securities held by the corporation, to sell or pledge such debentures or bonds and to use the proceeds for such corporate purposes as the board of directors shall determine.

To assist its shareholders or other persons in securing, acquiring, holding, and improving real estate by furnishing, upon a security thereof, all or a part of the capital on such terms of the payment as may be agreed upon.

To acquire by purchase, subscription, or otherwise, and to hold or dispose of stocks, bonds, or any other obligations, of any corporation formed for, or then or theretofore engaged in or pursuing any one or more of the kinds of business, purposes, objects, or operations above indicated, or holding or owning any property of any kind herein mentioned, or of any corporation holding or owning the stocks or obligations of any such corporations; to hold for investment or otherwise to use, sell, or dispose of any stocks, bonds, or other obligations of any such other corporations; to aid in any manner any corporation whose stock, bonds, or other obligations are held or in any manner guaranteed by this corporation, and to do any other acts or things for the preservation, protection, improvement, or enhancement of the value of any such stock, bonds, or other securities, or to do any act or things designed for any such purpose; and while owner of any such stocks, bonds, or other securities to exercise all the rights, powers, and privileges of ownership thereof, and to exercise all voting power thereon.

To do any and all of the things herein described and for the purpose of attaining or furthering any of its objects, to do any and all other acts and things, and to exercise any and all other powers which a copartnership or natural person could do or exercise, and which may now or hereafter be authorized by law.

To prospect for oil, coal, gas, or other mineral and land owned or leased by the company and to acquire lands either by purchase or leases for the purposes of prospecting for said minerals, and to operate wells, mines, shafts, or pits for the purpose of taking oil, gas, coal, or other minerals, and to sell and furnish oil, gas, coal, or other minerals to any person, corporation, or municipality.

Fifth. That the amount of capital stock of said corporation is raised to $260,000.00.

Now, therefore, C. M. Bradley, as president of said company, and W. E. Rowsey, I. B. Kirkland, J. K. Edmonds, C. K. Marks, T. H. Martin, W. H. New, W. D. Brewer, Geo. W. Elliott, G. H. Alexander, Abe Wolfenberger, E. S. Ellis, J. C. Fast, H. H. Bell, and N. A. Gibson, as directors, do in pursuance of law issue this, their certificate, verified by their oaths, and do hereby certify that the said amendments were duly made at the regular annual meeting of the stockholders of the said corporation, held in Muskogee, Indian Territory, on October 5, 1903, at which time and place a majority of the stock was represented by the stockholders present.

In testimony whereof the said C. M. Bradley, president of said corporation, and W. E. Rowsey, I. B. Kirkland, J. K. Edmonds, C. K. Marks, T. H. Martin, W. H. New, W. D. Brewer, Geo. W. Elliott, G. H. Alexander, Abe Wolfenberger, E. S. Ellis, J. C. Fast, H. H. Bell, and N. A. Gibson, a majority of the directors of said corporation, having hereunto set their hands on this —— day of October, 1903.

C. M. Bradley,
President.

N. A. Gibson,
I. B. Kirkland,
T. H. Martin,
J. K. Edmonds,
Abe Wolfenberger,
W. H. New,
C. K. Marks,
J. C. Fast,
G. W. Elliott,
W. D. Brewer,
W. E. Rowsey,
H. H. Bell,
G. H. Alexander,
E. S. Ellis,
Directors.

United States of America,
Indian Territory, Western District:

W. E. Rowsey, C. M. Bradley, I. B. Kirkland, J. K. Edmonds, C. K. Marks, T. H. Martin, W. H. New, W. D. Brewer, Geo. W. Elliott, G. H. Alexander, Abe Wolfenberger, E. S. Ellis, J. C. Fast, H. H. Bell, and N. A. Gibson, on their oaths say that the matters and things in the foregoing certificate set out are true to the best of their knowledge and belief.

C. M. Bradley.
N. A. Gibson.
W. E. Rowsey.
W. D. Brewer.
I. B. Kirkland.
J. C. Fast.
G. H. Alexander.
C. K. Marks.
H. H. Bell.
G. W. Elliott.
T. H. Martin.
J. K. Edmonds.
E. S. Ellis.
Abe Wolfenberger.
W. H. New.

Subscribed and sworn to before me this 24th day of October, 1903.
In testimony whereof I have hereunto set my hand and seal of office.
[seal.] W. T. Hart.

(Endorsed:) Filed in the office of the clerk of the United States court of appeals in the Indian Territory, this 26th day of October, A. D. 1903.

Wm. P. Freeman, *Clerk.*

Recorded, book No. 4, page 1.

EXHIBIT 30.

List of incorporated stock and investment companies in the Indian Territory as compiled from the records of the clerk of the court of appeals in the Indian Territory.

THE AMERICAN LAND, LOAN AND TRUST COMPANY, OF OKMULGEE, IND. T.

[Incorporated May, 1901. George A. Murphy, president; Jacob Bozarth, treasurer and general manager.]

Stockholders:	Shares.
George A. Murphy	50
Adam F. Seider	50
Jacob Bozarth	50
Nathan D. Boyd	50

THE ARDMORE LOAN AND TRUST COMPANY, OF ARDMORE, IND. T.

[Incorporated June, 1901. B. M. Worsham, president; S. M. Torbett, secretary; C. L. Anderson treasurer.]

Stockholders:	Shares.
B. M. Worsham	600
C. L. Anderson	100
S. M. Torbett	100

ANTLERS BANK AND TRUST COMPANY, OF ANTLERS, IND. T.

[Incorporated August 27, 1901. Officers not named.]

Shareholders:	Shares.
C. E. Walker	4
J. F. Mayer	4
W. E. Johnson	4
Wm. Fletcher	8
W. P. Stewart	4
E. P. Neice	4
W. E. Ward	4
A. B. Crawford	2
W. C. Smith	2
B. F. Hackett	20
W. P. Cochran	20
L. Silverman	12
S. K. Newcomb	12
R. L. Pierce	4
S. A. Stephens	4
John Cocke	28
T. H. Smith	4
Thomas P. Latham	20
A. A. Lasnerret	320
Treasury	520
	1,000

ATOKA LOAN AND TRUST COMPANY.

[Incorporated December, 1902. G. T. Ralls, president; W. M. Dunn, vice-president; Wm. H. Reynolds, secretary; Palo A. Roberts, treasurer.]

Stockholders:	Shares.
Mike Conlan	40
J. D. Lankford	40
W. H. Reynolds	40
A. Telle	40
G. A. Cobb	40
J. S. Fulton	40
J. G. Ralls	40
G. T. Ralls	40
Wm. M. Dunn	40
Palo A. Roberts	40
J. S. Standley	40

AMERICAN TRUST COMPANY, OF ARDMORE, IND. T.

[Incorporated December 23, 1902. C. R. Smith, president; J. C. Thompson, vice-president; G. N. Stuart, secretary and treasurer.]

Stockholders:	Shares.
C. R. Smith	9,996
J. C. Thompson	1
Lee Crnce	1
G. N. Stuart	1
W. R. Bleakmore	1

AMERICAN BANKING AND TRUST COMPANY, OF TULSA, IND. T.

[Incorporated March, 1903. I. B. Woodbury, president; E. J. Calvin, vice-president; I. B. Woodbury secretary.]

Stockholders:	Shares.
I. B. Woodbury	1,000
Frank H. Woodbury	720
E. J. Calvin	80
Ellis Short	200

THE AMERICAN INVESTMENT COMPANY, OF ATOKA, IND. T.

[Incorporated March 17, 1903. Walter B. Paschall, president; W. C. Mitchell, vice-president; D. L. Paschall, secretary; W. C. Mitchell, treasurer.]

Stockholders:	Shares.
W. C. Mitchell	398
Walter B. Paschall	1
T. E. Deret	1

ATOKA TRUST AND BANKING COMPANY, OF ATOKA, IND. T.

[Incorporated August 18, 1903. C. Stevens Avery, president; R. H. Mathews, vice-president; John G. Long, secretary and treasurer.]

Stockholders:	Shares.
John G. Long	100
C. Stevens Avery	100
R. H. Mathews	4

THE BIG 4 C. INVESTMENT AND REALTY COMPANY, OF VINITA, IND. T.

[Incorporated April 26, 1902. J. G. Henninger, president; J. D. Gray, vice-president; Wm. Higgins, secretary and treasurer.]

Stockholders:	Shares.
J. P. Bertoni	750
J. B. Henninger	1,250
J. D. Gray	1,250
W. F. Gray	500
Wm. Higgins	1,250

BRISTOW TRUST AND BANKING COMPANY, OF BRISTOW, IND. T.

[Incorporated April, 1903. J. W. Hocker, president; M. Jones, vice-president; W. L. Cheatham, secretary; L. D. Groom, treasurer.]

Stockholders:	Shares.
L. D. Groom	120
J. W. Hocker	200
H. M. Johnson	200
H. F. Johnson	40
W. L. Cheatham	80
Oscar D. Groom	40
M. Jones	200
C. H. Dutcher	80
L. H. Rooney	40

BEARDEN REALTY COMPANY, OF OKEMAH, IND. T.

[Incorporated March, 1903. J. S. Bearden, president; D. L. Z. Chitwood, vice-president; W. B. Nutt, secretary and treasurer.]

Stockholders:	Shares.
J. S. Bearden	100
D. L. Z. Chitwood	100
W. B. Nutt	100
L. B. Caldwell	100

BARNES INVESTMENT COMPANY, OF MUSKOGEE, IND. T.

[Incorporated June, 1903. George W. Barnes, president; Frank W. Barnes, vice-president; George W. Barnes, jr., secretary; E. D. Nevis, treasurer.]

Stockholders:	Shares.
George W. Barnes	2,800
Frank W. Barnes	400
George W. Barnes, jr	400
E. D. Nevis	400

THE CHOCTAW TRUST COMPANY OF SOUTH M'ALESTER, IND. T.

[Incorporated April, 1901. J. J. McAlester, president; J. A. Sterrett, vice-president; Ed McKenna, vice-president; A. A. Billingsley, secretary; J. H. Maxey, jr., treasurer.]

Stockholders:	Shares.
J. J. McAlester	400
J. H. Maxey	400
J. H. Maxey, jr	200
Ed McKenna	200
J. Burdett	200
L. W. Bryan	200
W. J. Wade	200
W. L. Wooley	40
John W. Black	40
J. Millwee	80
C. M. Bell	60
J. P. Goody	40
A. A. Billingsley	40
Geo. Dashiel	120
J. A. Sterrett	200
B. F. Lafayette	200

THE CHOCTAW LAND AND IMPROVEMENT COMPANY OF SOUTH M'ALESTER, IND. T.

[Incorporated May, 1901. S. C. Dunkle, president; E. A. Newman, vice-president; A. E. Becker, secretary; R. F. Lathrop, treasurer.]

Stockholders:	Shares.
S. C. Dunkle	2,000
R. F. Lathrop	2,000
W. H. Arnold	1,333⅓
A. E. Becker	1,333⅓
E. D. Allen	800
R. R. Bosworth	800
E. A. Newman	2,400
J. E. Arnold	1,333⅓

THE CREEK NATION LAND AND INVESTMENT COMPANY OE TULSA, IND. T.

[Incorporated June, 1901. Jay Forsythe, president; Robert T. Epperson, vice- president; Jas. H. McBirney, secretary; Benj. F. Colley, treasurer.]

Stockholders:	Shares.
Jay Forsythe	310
Benj. F. Colley	200
Edward Calkins	80
Robert T. Epperson	200
Jas. H. McBirney	200

CREEK REALTY COMPANY, OF MUSKOGEE, IND. T.

[Incorporated November, 1901. Frederick B. Severs, president; Julius M. Miller, vice-president; Albert Z. English, secretary and treasurer.]

Stockholders:	Shares.
Frederick B. Severs	149
Julius M. Miller	1
Albert Z. English	50

THE CREEK LAND AND DEVELOPMENT COMPANY, OF MUSKOGEE, IND. T.

[Incorporated December, 1901. Elmer E. McKibben, president; Frank B. Mittong, vice-president; Anthony Crafton, secretary; J. O. McKee, treasurer.]

Stockholders:	Shares.
Anthony Crafton	8
Albert E. Venning	8
L. E. Smith	8
Elmer E. McKibben	10
Frank B. Mittong	8
J. O. McKee	8

THE CREEK-CHEROKEE REALTY AND DEVELOPMENT COMPANY, OF WAGONER, IND. T.

[Incorporated February, 1902. J. C. Cassaver, president; S. P. Beardsley, vice-president; B. V. Leonard, secretary; T. C. Harrell, treasurer.]

Stockholders:	Shares.
J. C. Cassaver	1,091
S. P. Beardsley	1,091
E. B. Multer	1,091
S. S. Stephens	1,091
M. Phillippe	1,091
J. W. Young	1,091
C. S. Jones	1,091
T. C. Harrill	1,091
B. L. Naylor	1,091
J. G. Knight	1,091
B. V. Leonard	1,091

THE CHICKASAW TRUST COMPANY, OF CHICKASHA, IND. T.

[Incorporated February, 1902. E. B. Johnson, president; C. B. Campbell, vice-president; H. L. Jarboe, jr., secretary and treasurer.]

Stockholders:	Shares.
W. I. Gilbert	100
H. F. Gilbert	100
H. B. Johnson	400
R. W. Jones, jr	200
J. B. Wilber	200
Frank Weaver	160
C. B. Campbell	360
J. H. Bond	100
R. Bond	100
E. B. Johnson	400
A. K. Wooten	200
H. L. Jarboe, jr	200
T. L. and W. A. Wade	160
C. H. Besant	160
M. G. Patterson	40
Sam Davidson	400
C. M. Fletcheimer	400
J. W. Bowman	40
Frank Brown	40
W. W. Horner	40
A. S. Gilkey	200

CHOCTAW LAND AND INVESTMENT COMPANY OF POTEAU, IND. T.

[Incorporated August, 1903. E. W. Fannin, president; James Bower, vice-president; C. E. Warren, secretary; W. D. Buckley, treasurer.]

Stockholders:	Shares.
E. W. Fannin	54
C. E. Warren	54
W. D. Buckley	54
James Bower	54
G. H. Wilta	54
J. W. Robinson	54

THE CREEK TRUST AND GUARANTY COMPANY OF HOLDENVILLE, IND. T.

[Incorporated September, 1902. Tom W. Neal, president; C. W. Brown, vice-president; W. H. Robins, secretary and treasurer.]

Stockholders:	Shares.
Claude E. Shaw	30
W. B. McAlester	4
Henry W. Tate	40
W. H. Robins	400
C. W. Brown	10
Tom W. Neal	40
Tom W. Neal, trustee	3,486

CREEK INVESTMENT COMPANY OF MUSCOGEE, IND. T.

[Incorporated April, 1903. E. R. Burkholder, president; C. P. Williams, secretary and treasurer.]

Stockholders:	Shares
Kelley & Kelley	200
Lund Swenson	40
W. A. Morris	40
George W. Allison	80
E. R. Burkholder	120
J. L. Kasey	40
John R. Wright	80
S. A. Preshaw	80
W. A. Mathes	40
R. S. Simpson	80
Edward Berg	40
T. L. Hartup	80
S. W. Kasey	40
G. S. Horton	40
V. F. Rushing	40
D. H. Grant	40
W. S. McGiffort	80
J. D. Robertson	80
Chas. Wheeler	80
J. M. Silverthorn	40
K. Sorensen	40

THE CREEK LAND AND TRUST COMPANY, OF MUSCOGEE, IND. T.

[Incorporated April, 1903. J. J. Culbertson, president; J. L. Dabbs, vice-president and treasurer; W. H. Bell, secretary.]

Stockholders:	Shares.
J. J. Culbertson	1
J. L. Dabbs	1
W. H. Bell	1
N. A. Gibson	1

CITIZENS' LAND COMPANY, OF SOUTH M'ALESTER, IND. T.

[Incorporated June, 1903. Edwin T. Bradley, president; Geo. W. Scales, vice-president; Ben Mills, secretary and treasurer.]

Stockholders:	Shares.
Edwin T. Bradley	40
I. M. Dodge	40
Geo. W. Scales	40
Walter C. Donnelly	40
Ben Mills	40
John F. Burnham	40

THE DIAMOND CITY INVESTMENT COMPANY, OF SOUTH M'ALESTER, IND. T.

[Incorporated December, 1902. E. E. McDaniel, president; C. H. Woods, vice-president; J. E. Guess, secretary; T. A. Curry, treasurer.]

Stockholders:	Shares.
T. A. Curry	25
E. E. McDaniel	25
C. H. Woods	10
J. E. Guess	4
Robert Fortune	2
H. E. Miller	2
H. Allison	1
H. C. Pritchett	10
J. P. Evans	4
J. B. Griffin	10
George Withers	1
Wm. L. Lagrove	5
A. Bassett	2
R. McKay	4
Alonzo Miller	2
Elisha Holman	2
A. Martin	2
J. H. Walton	1
W. S. Webber	1
J. W. Johnson	2
R. N. Stone	2
J. R. Foster	1
G. W. Meadams	2
W. H. Carrington	4

EUFAULA TRUST COMPANY, OF EUFAULA, IND. T.

[Incorporated May, 1903. C. E. Foley, president; C. H. Tully, vice-president; W. W. Barrett, secretary and treasurer.]

Stockholders:	Shares.
C. H. Tully	200
W. G. Morhart	80
F. W. Ahrens	20
F. C. Owen	8
Mrs. B. L. Owen	20
W. S. Briscoe	20
J. C. Smock	20
W. T. Fears	20
Chas. Gibson	2
Thos. B. Moore	20
W. H. Barrett	400
C. E. Foley	1,000
P. Porter	200
W. T. Hutchings	20
W. E. Rowsey	160
C. L. Jackson	40
S. W. Fordyce	400
Phil Brown	32
J. T. Crove	4
A. W. Robb	200
C. R. Breckenridge	8
John D. Hemphill	6
T. B. Needles	200
Catherine C. Breckenridge	1,000
J. S. Stapler	200
Mary C. Breckenridge	80
Mary B. Maltby	400
F. B. Fite	40
W. W. Carson	200

CANADIAN VALLEY TRUST COMPANY, OF MUSCOGEE, IND. T.

[Incorporated March, 1903. Tams Bixby, president; Cortland L. Long, vice-president; Philip B. Hopkins, second vice-president and secretary; William S. Harsha, treasurer.]

Stockholders:	Shares.
Tams Bixby	20
Walter S. Dickey	20
Wm. H. Ludwig	20
Jos. McCoy	20
Philip B. Hopkins	20
Cortland L. Long	20
William S. Harsha	20
William H. Angell	20
Elmer W. McClure	20

FEDERAL REALTY COMPANY, OF WAGONER, IND. T.

[Incorporated July, 1903. A. F. Parkinson, president; T. C. Harrill, vice-president; C. C. McKinney, secretary; J. W. Wallace, treasurer.]

Stockholders:	Shares.
J. W. Gibson	125
J. W. Wallace	125
C. C. McKinney	125
A. F. Parkinson	125
T. A. Parkinson	125
T. C. Harrill	125
A. C. Cowan	125
F. M. Davis	125

THE HOCKING INVESTMENT COMPANY, OF SOUTH M'ALESTER, IND. T.

[Incorporated June, 1902. G. S. Corn, president; J. F. Hocking, vice-president; J. W. Ellis, secretary and treasurer.]

Stockholders:	Shares.
G. S. Corn	667
J. F. Hocking	667
J. W. Ellis	667
A. E. Becker	667
E. A. Newman	666
T. E. Dockery	166

THE INDIAN LAND AND TRUST COMPANY, OF MUSKOGEE, IND. T.

[Incorporated November, 1901. R. L. Owen, president; John Morton, vice-president; W. T. Wisdom secretary and treasurer.]

Stockholders:	Shares.
Robert L. Owen	500
John Morton	500
W. H. Baker	250
Frank Morton	250
W. T. Wisdom	40
Charles F. Winton	460

INDIAN LAND AND INVESTMENT COMPANY, OF OKEMAH, IND. T.

[Incorporated June, 1903. M. O. Keller, president; John Phillips, vice-president; George Harrison, secretary and treasurer.]

Stockholders:	Shares.
M. O. Keller	20
George H. Harrison	20
John H. Phillips	20

LAND LEASING COMPANY, OF TISHOMINGO, IND. T.

[Incorporated September, 1903. C. M. Joiner, president; D. B. Lester, vice-president; R. M. Lester, secretary and treasurer.]

Stockholders:	Shares.
C. M. Joiner	13⅓
D. B. Lester	13⅓
R. M. Lester	13⅓

MUSKOGEE TITLE AND TRUST COMPANY, OF MUSKOGEE, IND. T.

[Incorporated February, 1903. J. L. Blakemore, president; F. C. Hubbard and T. P. Smith, vice-presidents; N. A. Gibson, secretary; J. L. Dabbs, treasurer.]

Stockholders:	Shares.
Tams Bixby	100
Thos. P. Smith	100
J. L. Blakemore	40
J. L. Dabbs	100
A. C. Trumbo	100
D. H. Middleton	100
Leo. E. Bennett	100
F. C. Hubbard	100
Jos. Sondheimer	40
N. A. Gibson	40
R. A. Evans	40

PIONEER TRUST COMPANY, OF OKMULGEE, IND. T.

[Incorporated June, 1903. Geo. T. Pitts, president; T. F. Randolph, vice-president; W. M. Jackson, secretary; W. E. Wood, treasurer.]

Stockholders:	Shares.
John T. Stewart	320
T. F. Randolph	320
T. T. Godfrey	320
Geo. T. Pitts	320
W. M. Jackson	320
W. E. Wood	320
Ed T. Hackney	320

PURCELL LAND AND DEVELOPMENT COMPANY, OF PURCELL, IND. T.

[Incorporated August, 1903. L. C. Wantland, president; W. T. James, vice-president; J. F. Sharp secretary; T. C. Wood, treasurer.]

Stockholders:	Shares.
W. M. Tomlin	4
E. W. Murray	4
T. C. Wood	4
L. C. Wantland	8
J. G. Thompson	4
Nelson H. Brown	4
Wm. T. James	4
J. W. Williams	4
J. F. Sharp	4
W. G. Blanchard	4
Tom Thornton	4

ROCK ISLAND TRUST AND INVESTMENT COMPANY, OF MUSKOGEE, IND. T.

[Incorporated September, 1902. J. F. Darby, president; H. E. Curtis, vice-president; W. S. Fears, secretary; Guy Bowman, treasurer.]

Stockholders:	Shares.
J. F. Darby	200
H. C. Curtis	1
Guy Bowman	200
W. S. Fears	199

THE TRIBAL BANK AND TRUST COMPANY, OF CADDO, IND. T.

[Incorporated November, 1902. H. M. Dunlap, president; LeRoy Long, vice-president; A. B. Rutherford, secretary and treasurer.]

Stockholders:	Shares.
LeRoy Long	20
C. A. Hancock	80
W. H. Ainsworth	20
W. H. Attaway	20
A. O. Pace	10
Barlow Roberts	40
H. M. Dunlap	210

TRIBAL DEVELOPMENT COMPANY, OF TISHOMINGO, IND. T.

[Incorporated April, 1903. P. S. Moseley, president; P. L. Soper, vice-president; G. W. Burris, secretary; Guy P. Cobb, treasurer.]

Stockholders:	Shares.
Guy P. Cobb	240
C. L. Williams	40
Jesse L. Jordan	80
W. C. Gunn	135
W. C. Perry	135
P. L. Soper	130
G. W. Burris	20
B. H. Colbert	60
Kerby Purdom	60
R. M. Harris	60
W. F. Bourland	20
E. B. Henshaw	20
P. S. Moseley	20
W. T. Ward	180

TISHOMINGO LOAN AND TRUST COMPANY, OF TISHOMINGO, IND. T.

[Incorporated June, 1903. P. T. Foley, president; W. E Stanley and P. S. Moseley, vice-presidents; John A. Orendorff, secretary; James J. Downey, treasurer.]

Stockholders:	Shares.
P. F. Foley	200
W. E. Stanley	200
P. S. Moseley	200
E. Jewett	200
A. B. Dunlap	200
W. M. Lucas	200
J. J. Downey	80
J. A. Orendorff	80

UNION INVESTMENT COMPANY OF SOUTH M'ALESTER, IND. T.

[Incorporated October, 1903. Richard Henley, president; W. W. Tooker, vice-president; S. A. Hawk, secretary and treasurer.]

Stockholders:	Shares.
Richard Henley	100
W. W. Tooker	100
S. A. Hawk	100
A. E. Becker	200

WEWOKA REALTY AND TRUST COMPANY, OF WEWOKA, IND. T.

[Incorporated June, 1901. A. J. Brown, president; J. F. Brown, vice-president; C. L. Long, secretary and treasurer.]

Stockholders:	Shares.
A. J. Brown	450
J. F. Brown	748
C. L. Long	2

THE WESTERN INVESTMENT COMPANY, OF WAGONER, IND. T.

[Incorporated July, 1901. B. L. Naylor, president; F. M. Davis, vice-president; W. G. Gibbons, secretary; J. W. Wallace, treasurer.]

Stockholders:	Shares.
B. L. Naylor	520
F. M. Davis	320
W. C. Edwards	80
J. W. Wallace	60
W. G. Gibbons	20

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